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DANIEL O CONNELL, ESQ. M.P.

Daniel O'Connell

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THE HOUSEHOLD BOOK

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OF

IRISH ELOQUENCE;

CONTAINING THE

SELECT SPEECHES OF DANIEL O'CONNELL, RICHARD LALOR SHEIL, JOHN PHILPOT CURRAN, HENRY GRATTAN, EDMUND BURKE, RICHARD BRINLEY SHERIDAN, CHARLES PHILLIPS, ROBERT EMMET, WHITESIDE, MEAGHER, McGEE.

WITH BIOGRAPHICAL NOTES

BY A MEMBER OF THE NEW YORK BAR.

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INTRODUCTION.

It is a singular fact, that, by the admission of English critics, our language is indebted for its first great examples of eloquence to that island which has so long been oppressed—unhappy Ireland.

England could boast of men of great learning, genius, and power; could enumerate some great names, who won distinction in the pulpit, at the bar, or in the legislative hall, by discourses full of learning and classic purity, animated at times by a kind of severe eloquence; but, as England lacked large popular assemblies, as appeals were never made, or, if made, would be lost, where imagination, fancy and vivacity quickened them, where the orator aimed not only to convince the mind, but to sway the feelings, true eloquence was almost unknown.

Burke, nurtured in the sister isle, full of the rich imagination of the Celtic race, clothing his periods in words of rich and melodious harmony, appealing to every sympathy, every noble instinct and sentiment, gave the first example of true English eloquence.

The struggles of Ireland had called forth a race of speakers, full of classic culture, with ardent imagination, sensitive feeling, tenderness, warmth, and passion, which, devoted to the cause of liberty, made their words stir every fibre of the heart, enlist the affections, arouse the slothful, cheer the diffident, and unite all in the path in which the orator led the way.

The Irish parliament gave a field for the eloquence of Flood, Burgh, Grattan; the bar, no longer a theatre for dreary dull-

ness and absurd forms, echoed to the classic words of Bushe, and Curran, and Phillips, and Sheil; then, when the last attempt at civil war gave way to agitation, there arose the great popular orator of the age, Daniel O'Connell. Great at the bar, great in the halls of parliament, he was without a rival in the popular assembly, where thousands gathered to hear his words. Wit, learning, pathos, a love of his country and his countrymen springing from the most pure and exalted patriotism, enabled him to sway the hearts of millions with a magical power, such as probably no other man ever possessed.

To lovers of true eloquence, the works of the great Irish orators must be ever an object of study and admiration; to those whose hearts beat in unison with those great masters of the art, their works are as dear as they are admired. The name and the fame of the great Irish orators can never lose their influence; time cannot dim the lustre of their renown.

Unfortunately, no collection at all adequate exists of their happiest efforts; no book exists to be a Household work in families, where the old may revive the memory of those past glories of their race, where the young, by learning their splendid effusions, may train themselves to true eloquence, exalted patriotism, and manly earnestness in a just cause.

This want the present volume aims to supply. Here stand the great soul-stirring orations of O'Connell; the classic and impassioned speeches of Sheil; the magical effusions of Grattan; the thrilling eloquence of Curran; with an array of oratory from the minor heroes, Phillips, and Emmet, and Burke, and Whiteside, and Meagher, and such others as the limits necessary to such a work permit.

It is intended to be alike for the scholar and the less cultivated, and is presented in an attractive guise that cannot be gainsaid.

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SELECT SPEECHES OF

DANIEL O'CONNELL, M. P.

SKETCH OF DANIEL O'CONNELL, M. P.

Daniel O'Connell, acknowledged leader of the Irish nation for the most important period of the nineteenth century, was born at a place called Carhan, beside the small post-town of Cahirciveen, near the harbor of Valentia, on the coast of Kerry, in 1775.

After a preliminary course at a school near Cove, he was sent to the Continent, and was successively at Louvain, St. Omer and Douai, till the French Revolution compelled his return. One of the effects of the European convulsion was a relaxation of bigotry in 1792, so as to permit Catholics to become barristers. Seizing the opportunity, O'Connell, in 1794, entered himself at the Middle Temple, and was called to the bar in the memorable year when his country made her last fearful effort to free herself from the galling yoke of centuries.

It was not the moment for a young untried lawyer to enter the field of public affairs ; but when, in 1800, the so-called Union, but real provincialization of Ireland was proposed, O'Connell made his first appearance as a public speaker, and organized a meeting of Catholics, which, with the brutal Major Sirr and his blood-stained soldiery in arms around them, passed bold and intrepid resolutions, denouncing that iniquity, which it became henceforward his purpose through life to attempt to undo. That he failed to induce English statesmen and the English parliament to forego the advantage gained by a system of terror, fraud, and bribery, is a matter of history. Believing England honest, and ready to do what honesty required, he devoted his life to agitation for the Repeal of the Union. One great point he gained—Catholic Emancipation,—and much that England has since yielded is a result of his labors.

O'Connell as a barrister, was from the outset remarkably successful, and rose to a practice of the utmost extent. He rose above partisanship in Irish factions, and for all Irishmen, without distinc-

tion of creed or blood, claimed equal privileges. A recent English estimate of O'Connell justly says :

"His style as a pleader was the best perhaps ever known at the Irish bar. Others have been more polished, more elegant, more richly metaphorical ; but for clear force, for adroit invention, for Demosthenic terseness, concentrating and controlling Irish fervor, for the impetuous hailstorm of words beating down resistance, we doubt whether any speaker of a nation justly famed for eloquence has been the master of O'Connell. Anecdotes without number are told of his skill with witnesses, of his audacity with judges, of the nimble turns and unsurmised devices by which he snatched verdicts for his clients, and his success as an orator was not confined to the bar."

As an orator of the people, addressing vast crowds of his countrymen in the densely packed hall or under the canopy of heaven, where, inspired by the landscape of his native land, he poured forth his torrents of eloquence ; gathering a whole nation under his control, he has no equal in history. For more than twenty years before Catholic Emancipation the burden of the cause was, he justly says, thrown upon him. For more than twenty years, there was not a day, of which part was not devoted to working out the Catholic cause. He aroused the torpid, sustained the faint-hearted, restrained the impulsive, conciliated the great, and in less than eight years, by a system of agitation peculiarly his own, without deviating a hair's breadth from the principles of peace and loyalty, which he always maintained, he saw the gates of the constitution flung open to the long oppressed Catholics.

Then the great Catholic lawyer, the great agitator and popular speaker, entered the parliament of the United Kingdom. He soon trampled over the fear, coldness and distrust with which he was at first received ; and no speaker was heard with more marked attention. His bold step in standing for Clare ; his speech at the bar of the House, made his name known throughout the world. From May, 1829, when he took his seat as Member for Clare, till his death, he continued in parliament, representing Kerry, Dublin and Cork at different periods.

In 1834, he began the Repeal agitation, by moving in parliament for a repeal of the Legislative Union, effected in 1800 by such violence and fraud. The only answer made in the House was the silly one of Peel, "We will not consent to dismember the British empire," as though it had been dismembered before the Union.

The agitation in Ireland again drew him to his great field, the addresses to the people. Honored almost as a sovereign, invested with every dignity in their power, he led on the movement, calling meetings of hundreds of thousands, till the government, in alarm, in October, 1843, forbade by proclamation the monster meeting at Clontarf.

O'Connell was then arrested with others, on a charge of conspiracy. The old system began, a packed jury, venal judges, hired informers, and a verdict was obtained, which the House of Lords, with some sense of justice, set aside as a mockery, a delusion, and a snare.

Mr. O'Connell's great work was however checked. He had tried to convince his countrymen that agitation, the legal and peaceful presenting of their grievances, would ultimately obtain justice. The government taught the Irish people that this was a delusion ; that no sense of justice would ever induce them to yield ; that concessions to Ireland were to be extorted only from their fears. O'Connell's pretended conspiracy was a hint to organize a real one.

Declining health indeed withdrew O'Connell from public life ; his former career was but feebly resumed, and setting out in 1847 on a pilgrimage to Rome, he died at Genoa, on the 15th of May. His heart was borne to the Eternal City, while his body was conveyed back to the island he loved so well.

SPEECHES OF DANIEL O'CONNELL, M. P.

SPEECH AT LIMERICK, 1812.

I FEEL it my duty, as a professed agitator, to address the meeting. It is merely in the exercise of my office of agitation, that I think it necessary to say a few words. For any purpose of illustration or argument, further discourse is useless: all the topics which the present period suggested, have been treated of with sound judgment, and a rare felicity of diction, by my respected and talented friend (Mr. Roche); all I shall do is, to add a few observations to what has fallen from that gentleman; and whilst I sincerely admire the happy style in which he has treated those subjects, I feel deep regret at being unable to imitate his excellent discourse.

And, first, let me concur with him in congratulating the Catholics of Limerick on the progress our great cause has made since we were last assembled. Since that period our cause has not rested for support on the efforts of those alone who were immediately interested; no, our Protestant brethren throughout the land have added their zealous exertions for our emancipation. They have, with admirable patriotism, evinced their desire to conciliate by serving us, and I am sure I do but justice to the Catholics, when I proclaim our gratitude, as written on our hearts, and to be extinguished only with our lives.

Nor has the support and the zeal of our Protestant brethren been vain and barren. No, it has been productive of great

and solid advantages; it has procured, for the cause of religious liberty, the respect even of the most bigoted of our opponents; it has struck down English prejudice; it has convinced the mistaken honest; it has terrified the hypocritical knaves; and finally, it has pronounced for us, by a great and triumphant majority, from one of the branches of the legislature, the distinct recognition of the propriety and the necessity of conceding justice to the great body of the Irish people.

Let us, therefore, rejoice in our mutual success; let us rejoice in the near approach of freedom; let us rejoice in the prospect of soon shaking off our chains, and of the speedy extinction of our grievances. But above all, let us rejoice at the means by which these happy effects have been produced; let us doubly rejoice, because they afford no triumph to any part of the Irish nation over the other—that they are not the result of any contention among ourselves; but constitute a victory, obtained for the Catholics by the Protestants—that they prove the liberality of the one, and require the eternal gratitude of the other—that they prove and promise the eternal dissolution of ancient animosities and domestic feuds, and afford to every Christian and to every patriot, the cheering certainty of seeing peace, harmony, and benevolence prevail in that country, where a wicked and perverted policy has so long and so fatally propagated and encouraged dissension, discord, and rancor.

We owe it to the liberality of the Irish Protestants—to the zeal of the Irish Presbyterians—to the friendly exertion of the Irish Quakers; we owe, to the cordial re-union of every sect and denomination of Irish Christians, the progress of our cause. They have procured for us the solemn and distinct promise and pledge of the House of Commons—they almost obtained for us a similar declaration from the House of Lords. It was lost by the petty majority of one—it was lost by a majority, not of those who listened to the absurd prosings of Lord Eldon, to the bigoted and turbid declamation of that English Chief Justice, whose sentiments so forcibly recall the memory of the star-chamber; not of those who were able to compare the vapid or violent folly of the one party, with the statesman-like sentiments, the profound arguments, the splendid elo-

quence of the Marquis Wellesley. Not of those who heard the reasonings of our other illustrious advocates; but by a majority of men who acted upon preconceived opinions, or, from a distance, carried into effect their bigotry, or, perhaps, worse propensities—who availed themselves of that absurd privilege of the peerage, which enables those to decide who have not heard—which permits men to pronounce upon subjects they have not discussed—and allows a final determination to precede argument.

It was not, however, to this privilege alone, that our want of success was to be attributed. The very principle upon which the present administration has been formed, was brought into immediate action, and with success; for, in the latter periods of the present reign, every administration has had a distinct principle upon which it was formed, and which serves the historian to explain all its movements. Thus, the principle of the Pitt administration was—to deprive the people of all share in the government, and to vest all power and authority in the crown. In short, Pitt's views amounted to unqualified despotism. This great object he steadily pursued through his ill-starred career. It is true he encouraged commerce, but it was for the purposes of taxation; and he used taxation for the purposes of corruption; he assisted the merchants, as long as he could, to grow rich, and they lauded him; he bought the people with their own money, and they praised him. Each succeeding day produced some new inroad on the constitution; and the alarm which he excited, by reason of the bloody workings of the French revolution, enabled him to rule the land with uncontrolled sway; he had bequeathed to his successor the accumulated power of the crown—a power which must be great, if it can sustain the nonentities of the present administration.

The principle of Pitt's administration was despotism—the principle of Perceval's administration was peculating bigotry—bigoted peculation! In the name of the Lord he plundered the people. Pious and enlightened statesman! he would take their money only for the good of their souls.

The principle of the present administration is still more obvious. It has unequivocally disclosed itself in all its move-

ments—it is simple and single—it consists in falsehood. Falsehood is the bond and link that connects this ministry in office. Some of them pretend to be our friends—you know it is not true—they are only our worse enemies for the hypocrisy. They declare that the Catholic question is no longer opposed by the cabinet—that it is left to the discretion of each individual retainer. The fact is otherwise—and their retainers, though not commanded, as formerly, are carefully advised to vote against us.

The minister, Lord Castlereagh, is reported to have said in the House of Commons, that in the year 1797 and 1798, there was no torture in Ireland, to the knowledge of government! Is it really possible that such an assertion was used? You hear of it with astonishment. All Ireland must shudder, that any man could be found thus to assert. Good God! of what materials must that man be made who could say so? I restrain my indignation—I withhold all expressions of surprise—the simple statement that such an assertion was used, exceeds, in reply, the strongest language of reprobation. But there is no man so stupid as not to recognize the principle which I have so justly attributed to this administration.

What! No torture! Great God! No torture! Within the walls of your city was there no torture? Could not Colonel Vereker have informed Lord Castlereagh, that the lash resounded in the streets even of Limerick, and that the human groan assailed the wearied ear of humanity? Yet I am ready to give the gallant colonel every credit he deserves; and, therefore, I recall to your grateful recollection the day when he risked his life to punish one of the instruments of torture. Colonel Vereker can tell whether it be not true, that in the streets of your city, the servant of his relation, Mrs. Rosslewen, was not tortured—whether he was not tortured first, for the crime of having expressed a single sentiment of compassion, and next because Colonel Vereker interfered for him.

But there is an additional fact which is not so generally known, which, perhaps, Colonel Vereker himself does not know, and which I have learned from a highly respectable clergyman, that this sad victim of the system of torture, which Lord Castlereagh denied, was, at the time he was scourged, in an in-

firm state of health—that the flogging inflicted on him deprived him of all understanding, and that within a few months he died insane, and without having recovered a shadow of reason.

But why, out of the myriads of victims, do I select a solitary instance? Because he was a native of your city, and his only offence an expression of compassion. I might tell you, did you not already know it, that in Dublin there were, for weeks, three permanent triangles, constantly supplied with the victims of a promiscuous choice made by the army, the yeomanry, the police constables, and the Orange lodges; that the shrieks of the tortured must have literally resounded in the state apartments of the Castle; and that along by the gate of the Castle yard, a human being, naked, tarred, feathered, with one ear cut off, and the blood streaming from his lacerated back, has been hunted by a troop of barbarians!

Why do I disgust you with these horrible recollections? You want not the proof of the principle of delusion on which the present administration exists. In your own affairs you have abundant evidence of it. The fact is, that the proxies in the Lords would never have produced a majority even of one against Lord Wellesley's motion, but for the exertion of the vital principle of the administration. The ministry got the majority of one. The pious Lord Eldon, with all his conscience and his calculations, and that immaculate distributor of criminal justice, Lord Ellenborough, were in a majority of one. By what holy means think you? Why, by the aid of that which cannot be described in dignified language—by the aid of a lie—a false, positive, palpable lie!

This manœuvre was resorted to—a scheme worthy of its authors—they had perceived the effects of the manly and dignified resolutions of the 18th of June. These resolutions had actually terrified our enemies, whilst they cheered those noble and illustrious friends who had preferred the wishes and wants of the people of Ireland to the gratification of paltry and disgraceful minions. The manœuvre—the scheme, was calculated to get rid of the effect of those resolutions, nay, to turn their force against us, and thus was the pious fraud effected.

There is, you have heard, a newspaper, in the permanent pay of peculation and corruption, printed in London, under the

name of the Courier, a paper worthy the meridian of Constantinople, at its highest tide of despotism. This paper was directed to assert the receipt of a letter from Dublin, from excellent authority, declaring, I know not how many peers, sons of peers, and baronets had retracted the resolutions of the 18th of June; that those resolutions were carried by surprise, and that they had been actually rescinded at a subsequent meeting.

Never did human baseness invent a more gross untruth; never did a more unfounded lie fall from the father of falsehood; never did human turpitude submit to become the vehicle of so "glaring" a dereliction from truth. But the Courier received its pay, and it was ready to earn the wages of its prostitution. It did so—it published the foul falsehoods with the full knowledge of their falsehood; it published them in two editions, the day before and the day of the debate—at a period when inquiry was useless—when a contradiction from authority could not arrive; at that moment this base trick was played, through the intervention of that newspaper, upon the British public!

Will that public go too far when they charge this impure stratagem on those whose purposes it served? Why, even in this country, the administration deems it necessary to give, for the support of one miserable paper, two places—one of five, and the other of eight hundred a year—the stamp duty remitted—the proclamations paid for as advertisements—and a permanent bonus of one thousand pounds per annum! If the bribe here be so high, what must it be in England, where the toil is so much greater? And, think you, then, that the Courier published, unsanctioned by its paymasters, this useful lie?

I come now to the next stage in the system of delusion; it is that which my friend, Mr. O'Neil, has noticed. He has powerfully exposed to you the absurdity of crediting the ministerial newspapers, when they informed you that the member for Limerick had stated in the House of Commons, that the commercial interests of Limerick were opposed to the Catholic claims. Sir, for my part, I entirely agree with Mr. O'Neil; I am sure Colonel Vereker said no such thing; he is a brave

man, and, therefore, a man of truth ; he is probably a pleasant friend, and he has those manly traits about him, which make it not unpleasant to oppose him as an enemy ; I like the candor of his character, and our opposition to him should assume the same frankness, and openness, and perfect determination. He well knows that a great part of the commercial interests of Limerick is in the hands of the Catholics—that the Quakers of Limerick, who possess almost the residue of trade, are friendly to us, and that, with the exception of the "tag, rag, and bob-tail" of the corporation, there is not to be found amongst the men who ought to be his constituents a single exception to liberality.

There remains another delusion ; it is the darling deception of this ministry—that which has reconciled the toleration of Lord Castlereagh with the intolerance of Lord Liverpool ; it is that which has sanctified the connection between both, and the place-procuring, prayer-mumbling Wilberforce ; it consists in sanctions and securities. The Catholics may be emancipated, say ministers in public, but they must give securities ; by securities, say the same ministers in private, to their supporting bigots, we mean nothing definite, but something that shall certainly be inconsistent with the Popish religion—nothing shall be a security which they can possibly concede—and we shall deceive them and secure you, whilst we carry the air of liberality and toleration.

And can there be any honest man deceived by the cant and cry for securities ?—is there any man that believes that there is safety in oppression, contumely, and insult, and that security is necessary against protection, liberality and conciliation ? —does any man really suppose, that there is no danger from the continuance of unjust grievance and exasperating intolerance ; and that security is wanting against the effects of justice and perfect toleration ? Who is it that is idiot enough to believe, that he is quite safe in dissension, disunion, and animosity; and wants a protection against harmony, benevolence, and charity ?—that in hatred there is safety—in affection, ruin ?— that now, that we are excluded from the constitution, we may be loyal—but that if we were entrusted, personally, in its safety, we shall wish to destroy it ?

But this is a pitiful delusion: there was, indeed, a time, when "sanctions and securities" might have been deemed necessary—when the Catholic was treated as an enemy to man and to God—when his property was the prey of legalized plunder—his religion and its sacred ministers, the object of legalized persecution!—when, in defiance and contempt of the dictates of justice, and the faith of treaties—and I attest the venerable city, in which I stand, that solemn treaties were basely violated—the English faction in the land turned the Protestant into an intolerant and murderous bigot, in order that it might, in security, plunder that very Protestant, and oppress his and our common country! Poor neglected Ireland! At that period, securities might be supposed wanting; the people of Ireland—the Catholic population of Ireland were then as brave and as strong, comparatively, as they are at present; and the country then afforded advantages for the desultory warfare of a valiant peasantry, which, fortunately, have since been exploded by increasing cultivation.

At the period to which I allude, the Stuart family were still in existence; they possessed a strong claim to the exaggerating allegiance and unbending fidelity of the Irish people. Every right that hereditary descent could give the royal race of Stuart, they possessed—in private life, too, they were endeared to the Irish, because they were, even the worst of them, gentlemen. But they had still stronger claims on the sympathy and generosity of the Irish: they had been exalted and were fallen—they had possessed thrones and kingdoms, and were then in poverty and humiliation. All the enthusiastic sympathies of the Irish heart were roused for them—and all the powerful motives of personal interest bore, in the same channel, the restoration of their rights—the triumph of their religion, the restitution of their ancient inheritances, would then have been the certain and immediate consequences of the success of the Stuart family, in their pretensions to the throne.

At the period to which I allude, the Catholic clergy were bound by no oath of allegiance; to be a dignitary of the Catholic church in Ireland, was a transportable felony—and the oath of allegiance was so intermingled with religious tenets, that no clergyman or layman of the Catholic persua-

sion could possibly take it. At that period, the Catholic clergy were all educated in foreign countries, under the eye of the Pope, and within the inspection of the house of Stuart. From fifty-eight colleges and convents, on the Continent, did the Catholic clergy repair to meet, for the sake of their God, poverty, persecution, contumely, and, not unfrequently, death, in their native land. They were often hunted like wild beasts, and never could claim any protection from the law! That—that was a period, when securities might well have been necessary—when sanctions and securities might well have been requisite.

But what was the fact?—what was the truth which history vouches? Why, that the clergy and laity of the Irish Catholics, having once submitted to the new government—having once plighted their ever unbroken faith to King William and his successors—having once submitted to that great constitutional principle, that in extreme cases the will of the people is the sole law—that in extreme cases the people have the clear and undoubted right to cashier a tyrant, and provide a substitute on the throne—the Irish Catholics, having fought for their legitimate sovereign, until he, himself, and, not they, fled from the strife—adopted, by treaty, his English successor, though not his heir—transferred to that successor, and the inheritors of his throne, their allegiance. They have preserved their covenant—with all the temptations and powerful motives to disaffection, they fulfilled their part of the social contract, even in despite of its violation by the other party.

How do I prove the continued loyalty of the Catholics of Ireland under every persecution? I do not appeal for any proofs to their own records, however genuine—I appeal merely to the testimony of their rulers and their enemies—I appeal to the letters of Primate Boulter—to the state-papers of the humane and patriotic Chesterfield. I have their loyalty through the admissions of every secretary and governor of Ireland, until it is finally and conclusively put on record by the legislature of Ireland itself. The relaxing statutes expressly declare, that the penal laws ought to be repealed—not from motives of policy or growing liberality, but (I quote the words,) "because of the long-continued and

uninterrupted loyalty of the Catholics." This is the consummation of my proof—and I defy the veriest disciple of the doctrine of delusion to overturn it.

But as the Catholics were faithful in those dismal and persecuting periods—when they were exasperated by the emaciating cruelty of barbarous law and wretched policy—as they were then faithful, notwithstanding every temporal and every religious temptation and excitement to the contrary, is it in human credulity to believe my Lord Castlereagh, when he asserts that securities are now necessary? Now, that the ill-fated house of Stuart is extinct—and had it not been extinct I should have been silent as to what their claims were—now, that the will of the people, and the right of hereditary succession are not to be separated—now, that the Catholic clergy are educated in Ireland and are all bound by their oaths of allegiance to that throne and constitution, which, in the room of persecution, gives them protection and security—now, that all claims upon forfeited property are totally extinguished in the impenetrable night of obscurity and oblivion—now, that the Catholic nobility and gentry are in the enjoyment of many privileges and franchises, and that the full participation of the constitution opens upon us in close and cheering prospect—shall we be told that securities are now expedient, though they were heretofore unnecessary? Oh! it is a base and dastardly insult upon our understandings, and on our principles, and one which each of us would, in private life, resent—as in public we proclaim it to the contempt and execration of the universe.

Long as I have trepassed on you, I cannot yet close: I have a word to address to you upon your own conduct. The representative for your city, Colonel Vereker, has openly opposed your liberties—he has opposed even the consideration of your claims. You are beings, to be sure, with human countenances, and the limbs of men—but you are not men—the iron has entered into your souls, and branded the name of slave upon them, if you submit to be thus trampled on! His opposition to you is decided—meet him with a similar, and, if possible, a superior hostility. You deserve not freedom, you, citizens of Limerick, with the monuments of the valor of your ancestors

around you—you are less than men, if my feeble tongue be requisite to rouse you into activity. Your city is, at present, nearly a close borough—do but will it, and you make it free.

I know legal obstacles have been thrown in your way—I know that, for months past, the Recorder has sat alone at the sessions—that he has not only tried cases, in the absence of any other magistrate, which he is not authorized by law to do, but that he has solely opened and adjourned the sessions, which, in my opinion, he is clearly unwarranted in doing; he has, by this means, I know, delayed the registry of your freeholds, because two magistrates are necessary for that purpose: I have, however, the satisfaction to tell you, that the Court of King's Bench will, in the next term, have to determine on the legality of his conduct, and of that of the other charter magistrates, who have banished themselves, I understand, from the Sessions Court, since the registry has been spoken of! They shall be served with the regular notices; and, depend upon it, this scheme cannot long retard you.

I speak to you on this subject as a lawyer—you can best judge in what estimation my opinion is amongst you—but such as it is, I pledge it to you, that you can easily obviate the present obstacles to the registry of your freeholds. I can also assure you that the constitution of your city is perfectly free—that the sons of freemen, and all those who have served an apprenticeship to a freeman, are all entitled to their freedom, and to vote for the representation of your city.

I can tell you more: that if you bring your candidate to a poll, your adversary will be deprived of any aid from non-resident or occasional freemen; we will strike off his list the freemen from Gort and Galway, the freemen from the band, and many from the battalion of the city of Limerick militia.

In short, the opening of the borough is a matter of little difficulty. If you will but form a committee, and collect funds, in your opulent city, you will soon have a representative ready to obey your voice—you cannot want a candidate. If the emancipation bill passes next sessions, as it is so likely to do, and that no other candidate offers, I myself will bring your present number to the poll. I probably will have little chance of success—but I will have the satisfaction of showing

this city, and the county, what the free-born mind might achieve if it were properly seconded.

I conclude by conjuring you to exert yourselves; waste not your just resentments in idle applause at the prospect I open to you; let not the feeling of the moment be calumniated as a hasty ebullition of anger; let it not be transitory, as our resentments generally are, but let us remember ourselves, our children and our country!

Let me not, however, close, without obviating any calumny that may be flung upon my motives. I can easily pledge myself to you that they are disinterested and pure—I trust they are more. My object in the attainment of emancipation is in nothing personal, save in the feelings which parental love inspires and gratifies. I am, I trust, actuated by that sense of Christianity which teaches us that the first duty of our religion is benevolence and universal charity; I am, I know, actuated by the determination to rescue our common country from the weakness, the insecurity, which dissension and religious animosity produce and tend to perpetuate; I wish to see the strength of the island—this unconquered, this unconquerable island—combined to resist the mighty foe of freedom, the extinguisher of civil liberty, who rules the Continent from Petersburgh to the verge of the Irish bayonets in Spain. It is his interest, it is a species of duty he owes to his family—to that powerful house which he has established on the ruins of the thrones and dominations of Europe—to extinguish, forever, representative and popular government in these countries; he has the same direct intent which the Roman general had to invade our beloved country—"Ut libertas veluti et conspectu." His power can be resisted only by combining your physical force with your enthusiastic and undaunted hearts.

There is liberty amongst you still. I could not talk as I do, of the Liverpools and Castlereaghs, of his court, even if he had the folly to employ such things—I wish he had; you have the protection of many a salutary law—of that palladium of personal liberty—the trial by jury. I wish to ensure your liberties, to measure your interests on the present order of the state, that we may protect the very men that oppress us.

Yes, if Ireland be fairly roused to the battle of the country and of freedom, all is safe. Britain has been often conquered: the Romans conquered her—the Saxons conquered her—the Normans conquered her—in short, whenever she was invaded, she was conquered. But our country was never subdued; we never lost our liberties in battle, nor did we ever submit to armed conquerors. It is true, the old inhabitants lost their country in piece-meal, by fraud and treachery; they relied upon the faith of men, who never, never observed a treaty with them, until a new and mixed race has sprung up, in dissension and discord; but the Irish heart and soul still predominate and pervade the sons of the oppressors themselves. The generosity, the native bravery, the innate fidelity, the enthusiastic love of whatever is great and noble—those splendid characteristics of the Irish mind remain as the imperishable relics of our country's former greatness—of that illustrious period, when she was the light and the glory of barbarous Europe—when the nations around sought for instruction and example in her numerous seminaries—and when the civilization and religion of all Europe were preserved in her alone.

You will, my friends, defend her—you may die, but you cannot yield to any foreign invader. Whatever be my fate, I shall be happy, whilst I live, in reviving amongst you the love and admiration of your native land, and in calling upon Irishmen—no matter how they may worship their common God—to sacrifice every contemptible prejudice on the altar of their common country. For myself, I shall conclude, by expressing the sentiment that throbs in my heart—I shall express it in the language of a young bard of Erin, and my beloved friend, whose delightful muse has the sound of the ancient minstrelsy—

> "Still shalt thou be my midnight dream—
> Thy glory still my waking theme;
> And ev'ry thought and wish of mine,
> Unconquered Erin, shall be thine!"

REPLY TO MR. BELLEW,

IN THE CATHOLIC BOARD, 1813.

At this late hour, and in the exhausted state of the meeting, it requires all the impulse of duty to overcome my determination to allow the debate to be closed without any reply; but a speech has been delivered by the learned gentleman (Mr. Bellew), which I cannot suffer to pass without further answer.

My eloquent friend, Mr. O'Gorman, has already powerfully exposed some of its fallacies; but there were topics involved in that speech which he has not touched upon, and which, it seems to me, I owe it to the Catholics and to Ireland to attempt to refute.

It was a speech of much talent, and much labor and preparation.

Mr. Bellew declared that he had spoken extempore.

Well, (said Mr. O'Connell,) it was, certainly, an able speech, and we shall see whether this extempore effort of the learned gentleman will appear in the newspapers to-morrow, in the precise words in which it was uttered this day. I have no skill in prophecy, if it does not happen; and if it does so happen, it will certainly be a greater miracle than that the learned gentleman should have made an artful and ingenuous, though, I confess, I think a very mischievous speech, without preparation.

I beg to say, that, in replying to him and to the other supporters of the amendment, I mean to speak with great personal respect of them; but that I feel myself bound to treat their arguments with no small degree of reprehension. The learned gentleman naturally claims the greater part of my attention. The ingenuity with which he has, I trust, gratuitously advocated our bigoted enemies, and the abundance in which he has dealt out insinuations against the Catholics of Ireland, entitle his discourse to the first place in my reprobation. Yet I shall take the liberty of saying a passing word of the other speakers, before I arrive at him;

he shall be last, but I promise him, not least in my consideration.

The opposition to the general vote of thanks to the bishops was led by my friend, Mr. Hussey. I attended to his speech with that regard which I always feel for anything that comes from him; I attended to it in the expectation of hearing from his shrewd and distinct mind something like argument or reasoning against this expression of gratitude to our prelates. But, my lord, I was entirely disappointed; argument there was not any—reasoning there was none; the sum and substance of his discourse was literally this, that he (Mr. Hussey) is a man of a prudent and economical turn of mind, that he sets a great value on everything that is good, that praise is excellent, and, therefore, he is disposed to be even stingy and niggard of it; that my motion contains four times too much of that excellent article, and he, therefore, desires to strike off three parts of my motion, and thinks that one quarter of his praise is full enough for any bishops, and this the learned gentleman calls an amendment.

Mr. Bagot came next, and he told us that he had made a speech but a fortnight ago, which we did not understand, and he has now added another which is unintelligible; and so, because he was misunderstood before, and cannot be comprehended at present, he concludes, most logically, that the bishops are wrong, and that he and Mr. Hussey are right.

Sir Edward Bellew was the next advocate of censure on the bishops; he entertained us with a sad specimen of minor polemics, and drew a learned and lengthened distinction between essential and non-essential discipline; and he insisted that by virtue of this distinction, that which was called schism by the Catholic prelates, could be changed into orthodoxy by an Irish baronet. This distinction between essential and non-essential, must, therefore, be very beautiful and beautifying. It must be very sublime, as it is very senseless, unless, indeed, he means to tell us, that it contains some secret allusion to our enemies. For example, that the Duke of Richmond affords an instance of the essential, whilst my Lord Manners is plainly non-essential; that Paddy Duigenan is essential in perfection, and the foppish Peel is, in nature, without essence; that

Jack Giffard is, surely, of the essential breed, whilst Mr. Willy Saurin is a dog of a different color.

Such, I presume, is the plain English of the worthy baronet's dissertation. Translated thus, it clearly enough alludes to the new commission; but it would be more difficult to show how it applied in argument against my motion. I really did not expect so whimsical an opposition from the honorable baronet. If there be any feeling of disappointment about him for the rejection of the double Veto bill, he certainly ought not to take revenge on the Board, by bestowing on us all the tediousness of incomprehensible and insane theology. I altogether disclaim reasoning with him, and I freely consent that those who relish his authority as a theologian, should vote against the prelates.

And, now, I address myself to the learned brother of the theological baronet. He began by taking great merit to himself, and demanding great attention from you, because he says that he has so rarely addressed you. You should yield to him, he says, because he so seldom requires your assent. It reminds me of the prayer of the English officer before battle. "Great Lord," said he, "during the forty years I have lived, I never troubled you before with a single prayer. I have, therefore, a right, that you should grant me one request, and do just as I desire, for this once." Such was the manner in which the learned gentleman addressed us; he begs you will confide in his zeal for your interests, because he has hitherto confined that zeal to his own. He desires that you will rely upon his attention to your affairs because he has been heretofore inattentive to them; and that you may depend on his anxiety for Catholic Emancipation, inasmuch as he has abstained from taking any step to attain that measure.

Quite different are my humble claims on your notice—quite different are the demands I make on your confidence. I humbly solicit it because I have sacrificed, and do, and ever will sacrifice, my interest to yours—because I have attended to the varying posture of your affairs, and sought for Catholic Emancipation with an activity and energy proportioned to the great object of our pursuit. I do, therefore, entreat your attention, whilst I unravel the spider-web of sophistry with which the

learned gentleman has this day sought to embarrass and disfigure your cause.

His discourse was divided into three principal heads. First, he charged the Catholic prelates with indiscretion. Secondly, he charged them with error. And lastly, he charged the Catholics with bigotry; and with the zeal and anxiety of an hired advocate, he gratuitously vindicated the intolerance of our oppressors. I beg your patience, whilst I follow the learned gentleman through this threefold arrangement of his subject. I shall, however, invert the order of his arrangement, and begin with his third topic.

His argument, in support of the intolerants, runs thus. First, he alleges that the Catholics are attached to their religion with a bigoted zeal. I admit the zeal but I utterly deny the bigotry. He seems to think I overcharge his statement; perhaps I do; but I feel confident that, in substance, this accusation amounted to a direct charge of bigotry. Well, having charged the Catholics with a bigoted attachment to their church, and having truly stated our repugnance to any interference on the part of the secretaries of the Castle with our prelates, he proceeded to insist that those feelings on our part justified the apprehensions of the Protestants. The Catholics, said Mr. Bellew, are alarmed for their church; why should not the Protestants be alarmed also for theirs? The Catholic, said he, desires safety for his religion; why should not the Protestant require security for his? When you, Catholics, express your anxiety for the purity of your faith (adds the learned advocate), you demonstrate the necessity there is for the Protestant to be vigilant for the preservation of his belief; and hence, Mr. Bellew concludes, that it is quite natural, and quite justifiable in the Liverpools and Eldons of the Cabinet, to invent and insist upon guards and securities, vetoes, and double vetoes, boards of control, and commissions for loyalty.

Before I reply to this attack upon us, and vindication of our enemies, let me observe, that, however groundless the learned gentleman may be in argument, his friends at the Castle will, at least, have the benefit of boasting, that such assertions have been made by a Catholic, at the Catholic Board.

And, now, see how futile and unfounded his reasoning is; he says, that our dislike to the proposed commission justifies the suspicion in which the plan of such commission originated; that our anxiety for the preservation of our church vindicates those who deem the proposed arrangement necessary for the protection of theirs—a mode of reasoning perfectly true, and perfectly applicable, if we sought any interference with, or control over, the Protestant Church. If we desired to form any board or commission to control or to regulate the appointment of their bishops, deans, archdeacons, rectors, or curates; if we asked or required that a single Catholic should be consulted upon the management of the Protestant Church, or of its revenues or privileges; then, indeed, would the learned gentleman be right in his argument, and then would he have, by our example, vindicated our enemies.

But the fact does not bear him out; for we do not seek, nor desire, nor would we accept of, any kind of interference with the Protestant Church. We disclaim and disavow any kind of control over it. We ask not, nor would we allow, any Catholic authority over the mode of appointment of their clergy. Nay, we are quite content to be excluded for ever from even advising his Majesty, with respect to any matter relating to or concerning the Protestant Church—its rights, its properties, or its privileges. I will, for my own part, go much further; and I do declare, most solemnly, that I would feel and express equal, if not stronger repugnance to the interference of a Catholic with the Protestant Church, than that I have expressed and do feel to any Protestant interference with ours. In opposing their interference with us, I content myself with the mere war of words. But if the case were reversed—if the Catholic sought this control over the religion of the Protestant, the Protestant should command my heart, my tongue, my arm, in opposition to so unjust and insulting a measure. So help me God! I would in that case not only feel for the Protestant and speak for him, but I would fight for him, and cheerfully sacrifice my life in defence of the great principle for which I have ever contended—the principle of universal and complete religious liberty.

Then, can any thing be more absurd and untenable than the

argument of the learned gentleman, when you see it stripped of the false coloring he has given it? It is absurd to say, that merely because the Catholic desires to keep his religion free, the Protestant is thereby justified in seeking to enslave it. Reverse the position and see whether the learned gentleman will adopt or enforce it. The Protestant desires to preserve his religion free; would that justify the Catholic in any attempt to enslave it? I will take the learned advocate of intolerance to the bigoted court of Spain or Portugal, and ask him, would he, in the supposed case, insist that the Catholic was justifiable. No, my lord, he will not venture to assert that the Catholic would be so; and I boldly tell him that in such a case, the Protestant would be unquestionably right, the Catholic, certainly, an insolent bigot.

But the learned gentleman has invited me to a discussion of the question of securities, and I cheerfully follow him. And I do, my lord, assert, that the Catholic is warranted in the most scrupulous and timid jealousy of any English, for I will not call it Protestant, (for it is political, and not, in truth, religious) interference with his church. And I will also assert, and am ready to prove, that the English have no solid or rational pretext for requiring any of those guards, absurdly called securities, over us or our religion.

My lord, the Irish Catholics never, never broke their faith —they never violated their plighted promise to the English. I appeal to history for the truth of my assertion. My lord, the English never, never observed their faith with us, they never performed their plighted promise; the history of the last six hundred years proves the accuracy of my assertion. I will leave the older periods, and fix myself at the Revolution. More than one hundred and twenty years have elapsed since the treaty of Limerick; that treaty has been honorably and faithfully performed by the Irish Catholics; it has been foully, disgracefully, and directly violated by the English. English oaths and solemn engagements bound them to its performance; it remains still of force and unperformed; and the ruffian yell of English treachery which accompanied its first violation, has, it seems, been repeated even in the senate house at the last repetition of the violation of that

treaty. They rejoiced and they shouted at the perjuries of their ancestors—at their own want of good faith or common sense.

Nay, are there not present men who can tell us, of their own knowledge, of another instance of English treachery? Was not the assent of many of the Catholics to the fatal—oh! the fatal measure of the Union—purchased by the express and written promise of Catholic Emancipation, made from authority by Lord Cornwallis, and confirmed by the prime minister, Mr. Pitt? And has that promise been performed? or has Irish credulity afforded only another instance of English faithlessness? Now, my lord, I ask this assembly whether they can confide in English promises? I say nothing of the solemn pledges of individuals. Can you confide in the more than punic faith of your hereditary task-masters? or shall we be accused of our scrupulous jealousy, when we reject with indignation, the contamination of English control over our church?

But, said the learned advocate (Mr. Bellew), they have a right to demand, because they stand in need of securities. I deny the right—I deny the need. There is not any such right—there exists no such necessity. What security have they had for the century that has elapsed since the violation of the treaty of Limerick? What security have they had during these years of oppression and barbarous and bloody legislation? What security have they had whilst the hereditary claim of the house of Stuart remained? And surely, all the right that hereditary descent could give was vested in that family. Let me not be misunderstood. I admit they had no right; I admit that their right was taken away by the people. I freely admit that, on the contrary, the people have the clear right to cashier base and profligate princes. What security had the English from our bishops when England was invaded, and the unfortunate but gallant Prince Charles advanced into the heart of England, guided by valor, and accompanied by a handful of brave men, who had, under his command, obtained more than one victory? He was a man likely to excite and gratify Irish enthusiasm; he was chivalrous and brave; he was a man of honor, and a gentleman; no violator

of his word; he spent not his time in making his soldiers ridiculous with horse-tails and white feathers; he did not consume his mornings in tasting curious drams, and evenings in gallanting old women. What security had the English then? What security had they against our bishops or our laity, when America nobly flung off the yoke that had become too heavy to be borne, and sought her independence at the risk of her being? What security had they then? I will tell you, my lord. Their security at all those periods was perfect and complete, because it existed in the conscientious allegiance of the Catholics; it consisted in the duty of allegiance which the Irish Catholics have ever held, and will, I trust, ever hold sacred; it consisted in the conscientious submission to legitimate authority, however oppressive, which our bishops have always preached, and our laity have always practised.

And now, my lord, they have the additional security of our oaths, of our ever unviolated oaths of allegiance; and if they had emancipated us, they would have had the additional security of our gratitude and of our personal and immediate interests. We have gone through persecution and sorrow; we have experienced oppression and affliction, and yet we have continued faithful. How absurd to think that additional security could be necessary to guard against conciliation and kindness!

But it is not bigotry that requires those concessions; they were not invented by mere intolerance. The English do not dislike us as Catholics—they simply hate us as Irish; they exhaust their blood and treasure for the Papists of Spain; they have long observed and cherished a close and affectionate alliance with the ignorant and bigoted Papists of Portugal; and now they exert every sinew to preserve those Papists from the horrors of a foreign yoke. They emancipated the French Papists in Canada, and a German Papist is allowed to rise to the first rank in his profession—the army; he can command not only Irish but even English Protestants. Let us, therefore, be just; there is no such horror of Popery in England as is supposed; they have a great dislike to Irish Papists; but separate the qualities—put the filthy whiskers and foreign visage of a German on the animal, and the Papist is entitled to high favor

from the just and discriminating English. We fight their battles; we beat their enemies; we pay their taxes, and we are degraded, oppressed and insulted, whilst the Spanish, the Portuguese, the French, and the German Papists are courted, cherished and promoted.

I revert now to the learned gentleman's accusation of the bishops. He has accused them of error in doctrine and of indiscretion in practice. He tells us that he is counsel to the college of Maynooth, and, in that capacity, he seems to arrogate to himself much theological and legal knowledge. I concede the law, but I deny the divinity; neither can I admit the accuracy of the eulogium which he has pronounced on that institution, with its mongrel board of control—half Papist and half Protestant. I was indeed at a loss to account for the strange want of talent—for the silence of Irish genius which has been remarked within the college. I now see it easily explained. The incubus of jealous and rival intolerance sits upon its walls, and genius, and taste, and talent fly from the sad dormitory, where sleeps the spirit of dullness. I have heard, indeed, of their Crawleys and their converts, but where or when, will that college produce a Magee or a Sandes, a M'Donnell or a Griffin? When will the warm heart of Irish genius exhibit in Maynooth such bright examples of worth and talent as those men disclose? Is it true, that the bigot may rule in Trinity College; the highest station in it may be the reward of writing an extremely bigoted and more foolish pamphlet; but still there is no conflicting principle of hostile jealousy in its rulers; and therefore Irish genius does not slumber there, nor is it smothered as at Maynooth.

The accusation of error brought against the bishops by the learned gentleman, is sustained simply upon his opinion and authority. The matter stands thus:—at the one side, we have the most Rev. and right Rev. the Catholic prelates of Ireland, who assert that there is schism in the proposed arrangement; on the other side, we have the very Rev. the counsel for the college of Maynooth, who asserts that there is no schism in that arrangement. These are the conflicting authorities. The Rev. prelates assert the one; he, the counsellor, asserts the other; and, as we have not leisure to examine the point

here doctrinally, we are reduced to the sad dilemma of choosing between the prelates and the lawyer. There may be a want of taste in the choice which I make, but I confess I cannot but prefer the bishops. I shall, therefore, say with them, there would be schism in the arrangement, and deny the assertion of the Rev. counsel, that it would not be schism. But suppose his reverence, the counsel for Maynooth, was right, and the bishops wrong, and that in the new arrangement there would be no schism, I then say, there would be worse; there would be corruption, and profligacy, and subserviency to the Castle in it, and its degrading effects would soon extend themselves to every rank and class of the Catholics.

I now come to the second charge which the learned gentleman, in his capacity of counsel to the college of Maynooth, has brought against the bishops. It consists of the high crime of "indiscretion." They were indiscreet, said he, in coming forward so soon and so boldly. What, when they found that a plan had been formed which they knew to be schismatic and degrading—when they found that this plan was matured, and printed, and brought into parliament, and embodied in a bill, and read twice in the House of Commons, without any consultation with, and, as it were, in contempt of the Catholics of Ireland—shall it be said, that it was either premature or indiscreet, solemnly and loudly to protest against such plan! If it were indiscreet, it was an indiscretion which I love and admire—a necessary indiscretion, unless, perhaps, the learned counsel for Maynooth, may imagine that the proper time would not arrive for this protest until the bill had actually passed, and all protest should be unavailing.

No, my lord, I cannot admire this thing called Catholic discretion, which would manage our affairs in secret, and declare our opinions, when it was too late to give them any importance. Catholic discretion may be of value at the Castle; a Catholic secret may be carried, to be discounted there for prompt payment. The learned gentleman may also tell us the price that Catholic discretion bears at the Castle, whether it be worth a place, a peerage, or a pension. But,

if it have value and a price for individuals, it is of no worth to the Catholic people. I reject and abjure it as applicable to public officers. Our opinions ought to be formed deliberately, but they should be announced manfully and distinctly. We should be despicable, and deserve to continue in slavery, if we could equivocate or disguise our sentiments on those subjects of vital importance; and I call upon you to thank the Catholic prelates, precisely because they had not the learned gentleman's quality of discretion, and that they had the real and genuine discretion, which made them publish resolutions consistent with their exalted rank and reverend character, and most consonant to the wishes and views of the Catholic people of Ireland.

I now draw to a close, and I conjure you not to come to any division. Let the amendment be withdrawn by my learned friend, and let our approbation of our amiable and excellent, our dignified and independent prelates, be, as it ought to be, unanimous. We want unanimity; we require to combine in the constitutional pursuit of Catholic Emancipation every class and rank of the Catholics—the prelate and the peer, the country gentleman and the farmer, the peasant and his priest; our career is to begin again; let our watchword be unanimity, and our object be plain and undisguised, as it has been, namely, simple Repeal. Let us not involve or embarrass ourselves with vetoes, and arrangements, and securities, and guards, and pretexts of divisions, and all the implements for ministerial corruption, and Castle dominion; let our cry be simple Repeal.

It is well—it is very well that the late bill has been rejected. I rejoice that it has been scouted. Our sapient friends at Cork called it a "Charter of Emancipation." You, my lord, called it so; but, with much respect, you and they are greatly mistaken. In truth, it was no charter at all, nor like a charter; and it would not have emancipated. This charter of emancipation was no charter; and would give no emancipation. As a plain, prose-like expression, it was unsupported; and, as a figure and fiction, it made very bad poetry. No, my lord, the bill would have insulted your religion, and done almost nothing for your liberties; it would have done nothing

at all for the people—it would send a few of our discreet Catholics, with their Castle-discretion, into the House of Commons, but it would not have enabled Catholic peers in Ireland to vote for the representative peers; and thus the blunder arose, because those friends, who, I am told, took so much trouble for you, examined the act of Union only, and did not take the trouble of examining the act regulating the mode of voting for the representative peers.

The bill would have done nothing for the Catholic bar, save the paltry dignity of silk gowns; and it would have actually deprived that bar of the places of assistant-barrister, which as the law stands, they may enjoy. It would have done nothing in corporations—literally nothing at all; and when I pressed this on Mr. Plunket, and pointed out to him the obstacles to corporate rights, in a conference with which, since his return to Ireland, he honored me, he informed me—and informed me of course truly—that the reason why the corporations could not be further opened, or even the Bank of Ireland mentioned, was, because the English would not listen to any violation of chartered rights; and this bill, my lord—this inefficient, useless, and insulting bill—must be dignified with the appellation of a "Charter of Emancipation." I do most respectfully entreat, my lord, that the expression may be well considered before it is used again.

And now let me entreat, let me conjure the meeting to banish every angry emotion, every sensation of rivalship or opposition; let us recollect that we owe this vote to the unimpeached character of our worthy prelates. Even our enemies respect them; and, in the fury of religious and political calumny, the breath even of hostile and polemical slander has not reached them. Shall Catholics, then, be found to express or even to imply censure?

Recollect, too, that your country requires your unanimous support. Poor, degraded, and fallen Ireland! has you, and, I may almost say, you alone to cheer and sustain her. Her friends have been lukewarm and faint hearted; her enemies are vigilant, active, yelling, and insulting. In the name of your country, I call on you not to divide, but to consecrate your unanimous efforts to her support, till bigotry shall be put to flight, and oppression banished this land for ever.

SPEECH IN 1813 ON REQUIRING SECURITIES FROM THE CATHOLICS.

HAVING come here determined to address this meeting, I avail myself of this opportunity to solicit your patience and attention. Let me, in the first place, congratulate you on the progress which the principle of religious liberty has made since you last met. It has been greatly advanced by a magnificent discovery lately made by the English in ethics, and upon which I also beg leave to congratulate you. It is this: Several sagacious Englishmen have discovered, in the nineteenth century, and more than four hundred years after the propagation of science was facilitated by the art of printing—several sagacious Englishmen have made this wonderful discovery in moral philosophy, that a man is not necessarily a worse citizen for having a conscience, and that a conscientious adherence to a Christian religion is not an offence deserving of degradation or punishment.

The operation, however, of this discovery had its opponents; like gravitation and the cow-pock, it has been opposed, and, for the present, opposed with success; but the principle has not been resisted. Yes, our enemies themselves have been forced to concede our right to emancipation. Duigenan, and Nichol, and Scott are laughed at—not listened to; the principle is admitted—the right of liberty of conscience is not controverted—your emancipation is certain—it is now only a question of terms—it only remains to be seen whether we shall be emancipated upon their terms or upon ours.

They offer you emancipation, as Catholics, if you will kindly consent, in return, to become schismatics. They offer you liberty, as men, if you agree to become slaves after a new fashion—that is, your friends and your enemies have declared that you are entitled to Catholic emancipation and freedom, upon the trifling terms of schism and servitude!

Generous enemies!—bountiful friends! Yes, in their bounty they resemble the debtor who should address his creditor

thus :—"It is true, I owe you £100; I am perfectly well able to pay you; but what will you give me if I hand you 6*s*. 8*d*. in the pound of your just debt, as a final adjustment?" "Let us allay all jealousies," continues the debtor—let us put an end to all animosities—I will give you one-third of what I owe you, if you will give me forty shillings in the pound of additional value, and a receipt in full, duly stamped into the bargain."

But why do I treat this serious and melancholy subject with levity? Why do I jest when my heart is sore and sad? Because I have not patience at this modern cant of securities, and vetoes, and arrangements, and clauses, and commissions. Securities against what? Not against the irritation and dislike which may and naturally ought to result from prolonged oppression and insult. Securities—not against the consequences of dissensions, distrusts, and animosities. Securities—not against foreign adversaries. The securities that are required from us are against the effects of conciliation and kindness—against the dangers to be apprehended from domestic union, peace, and cordiality. If they do not emancipate us—if they leave us aliens and outlaws in our native land—if they continue our degradation, and all those grievances that, at present, set our passions at war with our duty; then, they have no pretext for asking, nor do they require any securities; but should they raise us to the rank of Irishmen—should they give us an immediate and personal interest in our native land—should they share with us the blessings of the constitution—should they add to our duty the full tide of our interests and affection; then—then, say they, securities will be necessary. Securities and guards must be adopted. State bridles must be invented, and shackles and manacles must be forged, lest, in the intoxication of new liberty, we should destroy, only because we have a greater interest to preserve.

And do they—do these security-men deserve to be reasoned with? I readily admit—I readily proclaim Grattan's purity—his integrity—his patriotism; but, in his eagerness to obtain for us that liberty, for which he has so long and so zealously contended, he has overlooked the absurdity which those men fall into, who demand securities against the consequences of

emancipation, whilst they look for no securities against the effects of injustice and contumely.

Grattan has also overlooked the insult to our understandings and to our moral feelings which this demand for securities inflicts. Grattan is mistaken upon this topic; but he is the only man who is merely mistaken. The cry for securities has been raised, merely to retard the progress of emancipation. Canning affects to be our friend, because, since his conduct to his colleague, Viscount Castlereagh, he has found it difficult to obtain a niche in any administration. God preserve us from the friendship of Mr. Canning! I have no apprehension of Mr. Canning's enmity: he was our avowed enemy; that is, he always voted against us, from the moment he got pension or place under Pitt, to the time when he was dismissed from office, and rendered hopeless of regaining it. And, as for Lord Castlereagh, rely on it, that, though he may consent to change one kind of degradation for another, he never will consent to your attaining your freedom: and was it to obtain the vote of Lord Castlereagh that Grattan gave up our honor and our religion? Does Grattan forget—does he forgive the artificer of the Union, or the means by which it was achieved? Does not Grattan know that Lord Castlereagh first dyed his country in blood, and then sold her.

But, I repeat it, I have not patience, common patience with those men who cry out for securities, and will not see that they would obtain real security from the generous concession of plain right—from conciliation and kindness; all reasoning, all experience proves that justice to the Catholics ought to be, and has been, in the moments of distress and peril, the first and best security to the state. I will not stoop to argue the theory with any man. I will not condescend to enter into an abstract reasoning to prove that safety to a government ought to result from justice and kindness to the people, but I will point out the evidence of facts which demonstrate, that concession to Irish Catholics has in itself been resorted to, and produced security to our government—that they have considered and found it to be a security in itself—a safeguard against the greatest evils and calamities, and not a cause of danger or apprehension.

Ireland, in the connection with England, has but too constantly shared the fate of the prodigal's dog—I mean no personal allusion—she has been kicked in the insolence of prosperity, and she has borne all the famine and distress of adversity. Ireland has done more—she has afforded an abundant source of safety and security to England in the midst of every adversity; and at the hour of her calamity, England has had only to turn to Ireland with the offer of friendship and cordiality, and she has been rewarded by our cordial and unremitting succor.

Trace the history of the penal laws in their leading features, and you will see the truth of my assertion. The capitulation of Limerick was signed on the 3rd October, 1691. Our ancestors, by that treaty, stipulated for, and were promised the perfect freedom of their religion, and that no other oath should be imposed on Catholics, save the oath of allegiance. The Irish performed the entire of that treaty on their part: it remains unperformed, as it certainly is of force, in point of justice, to this hour, on the part of the English. Even in the reign of William, it was violated by that prince, whose generals and judges signed that treaty—by that prince who himself confirmed and enrolled it.

But he was the same prince that signed the order for the horrible, cold-blooded assassination and massacre of the unfortunate Macdonalds of Glencoe; and if his violation of the Limerick treaty was confined to some of the articles, it was only because the alteration in the succession, and the extreme pressure of foreign affairs, did not render it prudent nor convenient to offer further injury and injustice to the Irish Catholics.

But the case was altered in the next reign. The power and the glory, which England acquired by her achievements, under Marlborough—the internal strength, arising from the possession of liberty, enabled her to treat Ireland at her caprice, and she accordingly poured the full vial of her hatred upon the unfortunate Catholics of Ireland. England was strong and proud, and, therefore, unjust. The treaty of Limerick was trampled under foot—justice, and humanity, and conscience were trodden to the earth, and a code of laws inflicted on

the Irish Catholics, which Montesquieu has well said, ought to have been written in blood, and of which you still feel the emaciating cruelty—a code of laws which still leave you aliens in the land of your ancestors. Aliens!—did I say? Alas! you have not the privileges of alienage; for the alien can insist upon having six of his jury of his own nation, whilst you may have twelve Orangemen on yours.

But to return to our own history. The reigns of the First and of the Second George passed away; England continued strong; she persevered in oppression and injustice; she was powerful and respected; she, therefore, disregarded the sufferings of the Irish, and increased their chains. The Catholics once had the presumption to draw up a petition; it was presented to Primate Boulter, then governing Ireland. He not only rejected it with scorn and without a reply, but treated the insolence of daring to complain as a crime, and punished it as an offence, by recommending and procuring still more severe laws against the Papists, and the more active execution of the former statutes.

But a new era advanced; the war which George the Second waged on account of Hanover and America, exhausted the resources, and lessened, while it displayed, the strength of England. In the meantime the Duke of Bedford was Lord Lieutenant of Ireland. The ascendency mob of Dublin, headed by a Lucas, insulted the Lord Lieutenant with impunity, and threatened the parliament. All was riot and confusion within, whilst France had prepared an army and a fleet for the invasion of Ireland. Serious danger menaced England. The very connection between the countries was in danger. The Catholics were, for the first time, thought of with favor. They were encouraged to address the Lord Lieutenant, and, for the first time, their address received the courtesy of a reply. By this slight civility (the more welcome for its novelty) the warm hearts and ready hands of the Irish Catholics were purchased. The foreign foe was deterred from attempting to invade a country where he could no longer have found a friend; the domestic insurgents were awed into silence; the Catholics and the government, simply by their combination, saved the state from its perils; and thus did the Catholics, in

a period of danger, and upon the very first application, and in return for no more than kind words, give, what we want to give, security to the empire.

From the year 1759, to the American war, England enjoyed strength and peace; the Catholics were forgotten, or recollected only for the purposes of oppression. England in her strength and her insolence oppressed America; she persevered in an obstinate and absurd course of vexation, until America revolted, flew to arms, conquered, and established her independence and her liberty.

This brings us to the second stage of modern Catholic history: for England, having been worsted in more than one battle in America, and having gained victories more fatal than many defeats, America, aided by France, having proclaimed independence, the English period for liberality and justice arrived, for she was in distress and difficulty. Distracted at home—baffled and despised abroad, she was compelled to look to Irish resources, and to seek for security in Ireland; accordingly, in the year 1778, our Emancipation commenced; the Catholics were hired into the active service of the state by an easy gratuity of a small share of their rights as human beings, and they in return gave, what we now desire to give, security to the empire.

The pressure of foreign evils, however, returned; Spain and Holland joined with France and America; success in her contest with the Colonies became daily more hopeless. The combined fleets swept the ocean; the English channel saw their superiority; the English fleet abandoned for a while the dominion of the sea; the national debt terrified and impoverished the country; distress and difficulty pressed on every side, and, accordingly, we arrived at the second stage of Catholic Emancipation; for, in 1782, at such a period as I have described, a second statute was passed, enlarging the privileges of the Catholics, and producing, in their gratitude and zeal, that security which we now tender to the sinking vessel of the state.

From 1782 to 1792, was a period of tranquillity; the expenses of the government were diminished, and her commerce greatly increased. The loss of America, instead of being an

evil, became an advantage to trade as well as to liberty. England again flourished, and again forgot us.

In 1792, the Catholics urged their claims, as they had more than once done before. But the era was inauspicious to them, for England was in prosperity. On the Continent, the confederation of German princes, and the assemblage of the French princes, with their royalist followers, the treaty of Pilnitz, and the army of the King of Prussia, gave hope of crushing and extinguishing France and her liberties for ever. At that moment the Catholic petition was brought before parliament; it was not even suffered, according to the course of ordinary courtesy, to lie on the table; it was rejected with indignation and with contempt. The head of the La Touche family, which has since produced so many first-rate Irishmen, then retained that Huguenot hatred for Catholics which is still cherished by Saurin, the Attorney-General for Ireland. La Touche proposed that the petition should be rejected, and it was rejected by a majority of 200 to only 13.

Fortune, however, changed. The invasion of the Prussians was unsuccessful; the French people worshipping the name, as if it were the reality of liberty, chased the Duke of Brunswick from their soil; the King of Prussia, in the Luttrel style, sold the pass; the German princes were confounded, and the French princes scattered; Dumouriez gained the battle of Jemappes, and conquered the Austrian Netherlands; the old governments of Europe were struck with consternation and dismay, and we arrived at the fourth, and hitherto the last stage of emancipation; for, after those events, in 1793, was passed that act which gave us many valuable political rights—many important privileges.

The parliament—the same men who, in 1792, would not suffer our petition to lie on the table—the men who, in 1792, treated us with contempt, in the short space of a few months, granted us the elective franchise. In 1792, we were despised and rejected; in 1793, we were flattered and favored. The reason was obvious; in the year 1792, England was safe; in 1793 she wanted security, and security she found in the emancipation of the Catholics, partial though it was and limited. The spirit of republican frenzy was abroad; the en-

thusiasm for liberty, even to madness, pervaded the public mind. The Presbyterians and Dissenters of the North of Ireland were strongly infected with that mania; and had not England wisely and prudently bought all the Catholic nobility and gentry, and the far greater part of the Catholic people out of the market of republicanism, that which fortunately was but a rebellion, would, most assuredly, have been revolution. The Presbyterians and Catholics would have united, and, after wading through the bloody delirium of a sanguinary revolution, we should now, in all likelihood, have some military adventurer seated on the throne of our legitimate sovereign.

But, I repeat it, England judged better; she was just and kind, and therefore she has been preserved. She sought for security where alone it could be found, and she obtained it.

Thus, in 1759, England wanted security against the turbulence of her ascendency faction in Ireland, and against the fleet and arms of France; she was civil and courteous to the Catholics, and the requisite security was the result.

Thus, in 1778, England wanted security against the effects of her own misconduct and misfortunes in America; she granted some rights of property to the Irish Catholics, and the wanted security followed.

Thus, in 1782, England wanted security against the prodigality and profligacy of her administration—against the combined navies of France, Spain, and Holland; she conceded some further advantages to the Catholics, and she became safe and secure.

Thus, in 1795, England wanted security against the probable consequences of the disasters and treachery of the Prussians—the defeat of the Austrians, and especially against the revolutionary epidemic distemper which threatened the vitals of the constitution; she conferred on the Catholics some portion of political freedom, and the Catholics have recompensed her, by affording her subsequent security.

And thus has Emancipation been in all its stages the effect of the wants of England, but, at the same time, her resources in those wants. In her weakness and decay, Emancipation has given her health and strength; it was always hitherto a

remedy, and not in itself a disease; it was, in short, her best protection and security. Away, then, with those idle, those absurd demands for control, and dominion over our mode of faith.

Let Grattan learn the sentiments of the Irish people; let him know that we are ready to give the security of our properties and our lives to the state; but we will not, we cannot, grant away any part of our religion. Before the Union, no vetoes, no arrangements, no inquisitions over our prelates were required.

If our Protestant fellow-countrymen did not ask them, why should the English suppose we can grant them to their stupid caprice? But we are ready to give them security; we are ready to secure them from foreign foes, and against the possibility of domestic dissension.

Yes, the hour of your Emancipation is at hand; you will, you must be Emancipated; not by the operation of any force or violence, which are unnecessary, and would be illegal on your part, but by the repetition of your constitutional demands by petition, and still more by the pressure of circumstances, and the great progress of events. Yes, your Emancipation is certain, because England wants the assistance of all her people. The dream of delivering the Continent from the dominion of Bonaparte has vanished. The idle romance of German liberty—who ever heard of German liberty?—is now a cheerless vision. The allied Russian and Prussian armies may, perhaps, escape, but they have little prospect of victory. The Americans have avenged our outrages on their seamen, by quenching the meteor blaze of the British naval flag. The war with the world—England, alone, against the world—is in progress. We shall owe to her good sense, what ought to be conceded by her generosity; she cannot proceed without our aid; she knows she can command that aid if she will but be just; she can, for liberty, to which we are of right entitled, command the affections and the energies of the bravest and finest people in the world!

Recollect, too, that the financial distress of England accumulates. She owes, including the Irish debt, near a million of millions. Who is there so extravagant as to suppose, but that

there must arrive a period at which it will become impossible to borrow money, or to pay more interest? Our Irish debt has already exceeded, by nearly two-thirds, our means. We spend sixteen millions annually, and we collect, in revenue, about five millions. Our bank puts a paltry impression on three penny-worth of silver, and calls it tenpence. In short, with taxes increasing, debts accumulating, revenue diminishing, trade expiring, paper currency depreciating—who is so very blind as not to perceive, that England does and must require, the consolidation of all her people in one common cause, and in one common interest?

The plain path to safety—to security—lies before her. Let Irishmen be restored to their inherent rights, and she may laugh to scorn the shock of every tempest; the arrangements which the abolition of the national debt may require will then be effectuated, without convulsion or disturbance; and no foreign foe will dare to pollute the land of freemen and of brothers.

They have, however, struck out another resource in England; they have resolved, it is said, to resort to the protection of Orange Lodges. That system which has been declared by judges from the bench to be illegal and criminal, and found by the experience of the people to be bigoted and bloody—the Orange system, which has marked its progress in blood, in murder, and in massacre—the Orange system, which has desolated Ireland, and would have converted her into a solitude, but for the interposing hand of Cornwallis—the Orange system with all its sanguinary horrors is, they say, to be adopted in England!

Its prominent patron, we are told, is Lord Kenyon or Lord Yarmouth; the first an insane religionist of the Welsh Jumper sect, who, bounding in the air, imagines he can lay hold of a limb of the Deity, like Macbeth, snatching at the air-drawn dagger of his fancy! He would be simply ridiculous, but for the mischievous malignity of his holy piety, which desires to convert Papists from their errors, through the instrumentality of daggers of steel. Lord Kenyon may enjoy his ample sinecures as he pleases, but his folly should not goad to madness the people of Ireland.

As to Lord Yarmouth, I need not, indeed I could not, describe him; and if I could, I would not disgust myself with the description; but if Lord Kenyon or Lord Yarmouth have organized the Orange system, I boldly proclaim that he must have been bribed by the common enemy. Bigotry is not a gratuitous propensity. Giffard gets money for his calumnies and impudence; so does Duigenan. The English Orange patrons must be bribed by France; let them appeal to their private lives to repel my accusation. Can that man repel it, whose life is devoted to the accumulation of wealth to be added to wealth, already excessive and enormous?—who never was suspected of principle or honor?—whose finest feelings were always at market for money—who was ready to wed disgrace with a rich dowry, and would have espoused infamy with a large portion? If such a wretch lives, let him become the leader of the Orange banditti. The patron is worthy of the institution—the institution is suited to the patron.

You know full well that I do not exaggerate the horrors which the Orange system has produced, and must produce, if revived from authority, in this country. I have, in some of the hireling prints of London, read, under the guise of opposing adoption of the Orange system, the most unfounded praises of the conduct of the Irish Orangemen. They were called loyal, and worthy, and constitutional. Let me hold them up in their true light. The first authentic fact in their history occurs in 1795. It is to be found in the address of Lord Gosford, to a meeting of the magistrates of the county of Armagh, convened by his lordship, as governor of that county, on the 28th of December, 1795. Allow me to read the following passage from that address:

"Gentlemen—Having requested your attendance here this day, it becomes my duty to state the grounds upon which I thought it advisable to propose this meeting; and at the same time to submit to your consideration a plan which occurs to me as most likely to check the enormities that have already brought disgrace upon this country, and may soon reduce it into deep distress.

"It is no secret that a persecution, accompanied with all the circumstances of ferocious cruelty, which have in all ages distinguished

that dreadful calamity, is now raging in this country. Neither age nor sex, nor even acknowledged innocence, as to any guilt in the late disturbances, is sufficient to excite mercy, much less to afford protection.

"The only crime which the wretched objects of this ruthless persecution are charged with, is a crime, indeed, of easy proof; it is simply a profession of the Roman Catholic faith, or an intimate connection with a person professing this faith. A lawless banditti have constituted themselves judges of this new species of delinquency, and the sentence they have denounced is equally concise and terrible. It is nothing less than a confiscatiou of all property, and an immediate banishment. It would be extremely painful, and surely unnecessary, to detail the horrors that are attendant on the execution of so rude and tremendous a proscription—one that certainly exceeds in the comparative number of those it consigns to ruin and misery, every example that ancient and modern history can supply; for where have we heard, or in what story of human cruelties have we read, of half the inhabitants of a populous country deprived, at one blow, of the means as well as the fruits of their industry, and driven, in the midst of an inclement season, to seek a shelter for themselves, and their helpless families, where chance may guide them?

"This is no exaggerated picture of the horrid scenes that are now acting in this country."

Here is the first fact in the history of the Orangemen. They commenced their course by a persecution with every circumstance of ferocious crulelty. This lawless banditti, as Lord Gosford called them, showed no mercy to age, nor sex, nor acknowledged innocence. And this is not the testimony of a man favorable to the rights of those persecuted Catholics; he avows his intolerance in the very address of which I have read you a part; and though shocked at these Orange enormities, he still exults in his hostility to Emancipation.

After this damning fact from the early history of the Orangemen, who can think with patience on the revival or extension of this murderous association? It is not, it ought not, it cannot be endured, that such an association should be restored to its power of mischief by abandoned and unprincipled courtiers. But I have got in my possession a document which demonstrates the vulgar and lowly origin, as well as the traitorous and profligate purpose of this Orange society. It has been repeatedly sworn to in judicial proceedings, that the original oath of an Orangeman was an oath to exterminate the Catholics.

In some years after the society was formed, men of a higher class of society became members of it, and being too well educated to endure the plain declaration to exterminate, they changed the form of the oath to its present shape, but carefully retained all the persecuting spirit of the Armagh exterminators. The document I allude to, was printed for the use of the Orange Lodges; it was never intended for any eye but that of the initiated, and I owe it to something better than chance that I got a copy of it; it was printed by William M'Kenzie, printer to the Grand Orange Lodge, in 1810, and is entitled, "Rules and Regulations for the use of all Orange Societies, revised and corrected by a Committee of the Grand Orange Lodge of Ireland, and adopted by the Grand Orange Lodge, January 10th, 1810." I can demonstrate from this document that the Orange is a vulgar, a profligate, and a treasonable association. To prove it treasonable, I read the following, which is given as the first of their secret articles:—"That we will bear true allegiance to his Majesty, his heirs and successors, so long as he or they support the Protestant ascendency."

The meaning is obvious, the Orangeman will be loyal just so long as he pleases. The traitor puts a limit to his allegiance, suited to what he shall fancy to be meant by the words "Protestant ascendency." If the legislature presumes to alter the law for the Irish Catholics as it did for the Hanoverian Catholics, then is the Orangeman clearly discharged from his allegiance, and allowed, at the first convenient opportunity, to raise a civil war; and this is what is called a loyal association. Oh! how different from the unconditional, the ample, the conscientious oath of allegiance of the Irish Catholic! I pass over the second secret article, as it contains nothing worthy of observation; but from the third I shall at once demonstrate what pitiful and vulgar dogs the original Orangemen were. Mark the third secret article, I pray you—"That we will not see a brother offended for sixpence or one shilling, or more if convenient, which must be returned next meeting if possible." Such is the third of the secret Orange articles. I presume even Lord Yarmouth will go with them the full length of their liberality of sixpence or one shilling, but further his convenience may prevent him.

The fourth secret article is quite characteristic—"That we must not give the first assault to any person whatsoever, that may bring a brother into trouble." You perceive the limitation. They are entitled to give the first assault in all cases, but that in which it may not be quite prudent; they are restricted from commencing their career of aggression, unless they are, I presume, ten to one—unless they are armed and the Catholics disarmed—unless their superiority in numbers and preparation is marked and manifest. See the natural alliance of cowardice with cruelty. They are ready to assault you, when no brother of theirs can be injured; but if there be danger of injury to one of their brotherhood, they are bound to restrain, for that time, their hatred of the Catholics, and to allow them to pass unattacked. This fourth article proves, better than a volume, the aggressive spirit of the institution, and accounts for many a riot, and many a recent murder. The fifth secret article exhibits the rule of Orangemen, with respect to robbery. "5th. We are not to carry away money, goods, or anything, from any person whatever, except arms and ammunition, and those only from an enemy." The rule allows them to commit felony to this extent—namely, the arms and ammunition of any Catholic, or enemy; and I have heard of a Catholic who was disarmed of some excellent silver spoons, and a silver cup, by a detachment of this banditti. Yes, Lord Gosford was right, when he called them a lawless banditti; for here is such a regulation as could be framed only for those whose object was plunder—whose means were murder. The sixth and seventh secret articles relate to the attendance and enrolling of members; but the eighth is of great importance—it is this:—"8th secret article—An Orangeman is to keep his brother's secrets as his own, unless in case of murder, treason and perjury, and that of his own free will." See what an abundant crop of crimes the Orangeman is bound to conceal for his brother Orangeman. Killing a Papist may, in his eyes, be no murder, and he might be bound to conceal that; but he is certainly bound to conceal all cases of riot, maiming, wounding, stabbing, theft, robbing, rape, house-breaking, house-burning, and every other human villany, save murder, treason, and perjury. These are the good,

the faithful, the loyal subjects. They may, without provocation or excuse, attack and assault—give the first assault, mind, when they are certain no brother can be brought to trouble. They may feloniously and burglariously break into dwellings, and steal, take, and carry away whatever they please to call arms and ammunition. And, if the loyalty of a brother tempts him to go a little further, and to plunder any other articles, or to burn the house, or to violate female honor, his brother spectators of his crime are bound by their oaths to screen it forever from detection and justice. I know some men of better minds have been, in their horror of revolutionary fury, seduced into these lodges, or have unthinkingly become members of them; but the spirit, the object, and the consequences of this murderous and plundering association, are not the less manifest.

I do not calumniate them; for I prove the history of their foundation and origin by the unimpeachable testimony of Viscount Gosford, and I prove their principles by their own secret articles, the genuineness of which no Orangeman can or will deny. If it were denied, I have the means of proving it beyond a doubt. And when such principles are avowed, when so much is acknowledged and printed, oh, it requires but little knowledge of human nature to ascertain the enormities which must appear in the practice of those who have confessed so much of the criminal nature of their principles. There is, however, one consolation. It is to be found in their ninth secret article—"No Roman Catholic can be admitted on any account." I thank them for it, I rejoice at it; no Roman Catholic deserves to be admitted. No Roman Catholic would desire to belong to a society permitting aggression and violence, when safe and prudent, permitting robbery to a certain extent, and authorizing treason upon a given contingency. And now let me ask, what safety, what security can the minions of the court promise to themselves from the encouragement of this association? They do want security, and, from the Catholics they can readily have it; and you, my friends, may want security, not from the open attacks of the Orangemen—for against those the law and your own courage will protect you; but of their secret machinations you ought to be warned. They will endeavor, nay, I am most credibly as-

sured, that at this moment their secret emissaries are endeavoring to seduce you into acts of sedition and treason, that they may betray and destroy you. Recollect what happened little more than twelve months ago, when the Board detected and exposed a similar delusion in Dublin. Recollect the unpunished conspiracy which was discovered at Limerick; unpunished and unprosecuted was the author. Recollect the Mayor's Constable of Kilkenny, and he is still in office, though he administered an oath of secrecy, and gave money to his spy to treat the country people to liquor and seduce them to treason. I do most earnestly conjure you to be on your guard, no matter in what shape any man may approach, who suggests disloyalty to you—no matter of what religion he may affect to be—no matter what compassion he may express for your sufferings, what promises he may make; believe me, that any man who may attempt to seduce you into any secret association or combination whatsoever, that suggests to you any violation of the law whatsoever, that dares to utter in your presence the language of sedition or of treason, depend upon it—take my word for it, and I am your sincere friend—that every such man is the hired emissary and the spy of your Orange enemies—that his real object is to betray you, to murder you under the forms of a judicial trial, and to ruin your country for your guilt. If, on the contrary, you continue at this trying moment peaceful, obedient and loyal; if you avoid every secret association, and every incitement to turbulence; if you persevere in your obedience to the laws, and in fidelity to the Crown and Constitution, your Emancipation is certain, and not distant, and your country will be restored to you; your natural friends and protectors will seek the redress of your grievances in and from parliament, and Ireland will be again free and happy. If you suffer yourself to be seduced by these Orange betrayers, the members of the Board will be bound to resist your crimes with their lives; you will bring disgrace and ruin on our cause; you will destroy yourself and your families, and perpetuate the degradation and disgrace of your native land. But my fears are vain. I know your good sense; I rely on your fidelity; you will continue to baffle your enemies; you will continue faithful and peaceable; and thus shall you preserve yourselves, promote your cause, and give security to the empire.

SPEECH IN DEFENCE OF JOHN MAGEE, JULY 27, 1813.

Mr. Magee was prosecuted for a libel on the Duke of Richmond, in the Dublin Evening Journal, of which he was the proprietor. The case was opened by Mr. Kemmis, followed by Attorney-General Saurin. Mr. O'Connell's reply was as follows :

I consented to the adjournment yesterday, gentlemen of the jury, from this impulse of nature which compels us to postpone pain ; it is, indeed, painful to me to address you ; it is a cheerless, a hopeless task to address you—a task which would require all the animation and interest to be derived from the working of a mind fully fraught with the resentment and disgust created in mine yesterday, by that farrago of helpless absurdity with which Mr. Attorney-General regaled you.

But I am now not sorry for the delay. Whatever I may have lost in vivacity, I trust I shall compensate for in discretion. That which yesterday excited my anger, now appears to me to be an object of pity ; and that which then aroused my indignation, now only moves to contempt. I can now address you with feelings softened, and, I trust, subdued ; and I do, from my soul, declare, that I now cherish no other sensations than those which enable me to bestow on the Attorney-General, and on his discourse, pure and unmixed compassion.

It was a discourse in which you could not discover either order, or method, or eloquence ; it contained very little logic, and no poetry at all ; violent and virulent, it was a confused and disjointed tissue of bigotry, amalgamated with congenial vulgarity. He accused my client of using Billingsgate, and he accused him of it in language suited exclusively for that meridian. He descended even to the calling of names : he called this young gentleman a "malefactor," a "Jacobin," and a "ruffian," gentlemen of the jury ; he called him "abominable," and "seditious," and "revolutionary," and "infamous," and a "ruffian" again, gentlemen of the jury ; he called him a "brothel keeper," a "pander," "a kind of bawd in breeches," and a "ruffian" a third time, gentlemen of the jury.

I cannot repress my astonishment, how Mr. Attorney-General could have preserved this dialect in its native purity; he has been now for nearly thirty years in the class of polished society; he has, for some years, mixed among the highest orders in the state; he has had the honor to belong for thirty years to the first profession in the world—to the only profession, with the single exception, perhaps, of the military, to which a high-minded gentleman could condescend to belong—the Irish bar. To that bar, at which he has seen and heard a Burgh and a Duquery; at which he must have listened to a Burston, a Ponsonby, and a Curran; to a bar which still contains a Plunket, a Ball, and despite of politics, I will add, a Bushe. With this galaxy of glory, flinging their light around him, how can he alone have remained in darkness? How has it happened, that the twilight murkiness of his soul has not been illumined with a single ray shot from their lustre? Devoid of taste and of genius, how can he have had memory enough to preserve this original vulgarity? He is, indeed, an object of compassion, and, from my inmost soul, I bestow on him my forgiveness, and my bounteous pity.

But not for him alone should compassion be felt. Recollect, that upon his advice—that with him, as the prime mover and instigator—those rash, and silly, and irritating measures, of the last five years which have afflicted and distracted this long-suffering country have originated—with him they have all originated. Is there not then compassion due to the millions, whose destinies are made to depend upon his counsel? Is there no pity to those who, like me, must know that the liberties of the tenderest pledges of their affections, and of that which is dearer still, of their country, depends on this man's advice?

Yet let not pity for us be unmixed; he has afforded the consolation of hope; his harangue has been heard; it will be reported—I trust faithfully reported; and if it be but read in England, we may venture to hope that there may remain just so much good sense in England as to induce the conviction of the folly and the danger of conducting the government of a brave and long-enduring people by the counsels of so tasteless and talentless an adviser.

See what an imitative animal man is! The sound of ruffian—ruffian—ruffian, had scarcely died on the Attorney-General's lips, when you find the word honored with all the permanency of print, in one of his pensioned and well-paid, but ill-read newspapers. Here is the first line in the Dublin Journal of this day:—"The ruffian who writes for the Freeman's Journal." Here is an apt scholar—he profits well of the Attorney-General's tuition. The pupil is worthy of the master—the master is just suited to the pupil.

I now dismiss the style and measure of the Attorney-General's discourse, and I require your attention to its matter. that matter I must divide, although with him there was no division, into two unequal portions. The first, as it was by far the greater portion of his discourse, shall be that which was altogether inapplicable to the purposes of this prosecution. The second, and infinitely the smaller portion of his speech, is that which related to the subject matter of the indictment which you are to try. He has touched upon and disfigured a great variety of topics. I shall follow him at my good leisure through them. He has invited me to a wide field of discussion. I accept his challenge with alacrity and with pleasure.

This extraneous part of his discourse, which I mean first to discuss, was distinguished by two leading features. The first, consisted of a dull and reproving sermon, with which he treated my colleagues and myself, for the manner in which we thought fit to conduct this defence. He talked of the melancholy exhibition of four hours wasted, as he said, in frivolous debate, and he obscurely hinted at something like incorrectness of professional conduct. He has not ventured to speak out, but I will. I shall say nothing for myself; but for my colleagues—my inferiors in professional standing, but infinitely my superiors in every talent and in every acquirement—my colleagues, whom I boast as my friends, not in the routine language of the bar, but in the sincerity of my esteem and affection; for my learned and upright colleagues, I treat the unfounded insinuation with the most contemptuous scorn!

All I shall expose is the utter inattention of the fact, which, in small things as in great, seems to mark the Attorney-Gen-

eral's career. He talks of four hours. Why, it was past one before the last of you were digged together by the Sheriff, and the Attorney-General rose to address you before three. How he could contrive to squeeze four hours into that interval, is for him to explain; nor should I notice it, but that it is the particular prerogative of dullness to be accurate in the detail of minor facts, so that the Attorney-General is without an excuse, when he departs from them, and when for four hours you have had not quite two. Take this also with you, that we assert our uncontrollable right to employ them as we have done; and as to his advice, we neither respect, nor will we receive it; but we can afford cheerfully to pardon the vain presumption that made him offer us counsel.

For the rest, he may be assured that we will never imitate his example. We will never volunteer to mingle our politics, whatever they may be, with our forensic duties. I made this the rigid rule of my professional conduct; and if I shall appear to depart from this rule now, I bid you recollect that I am compelled to follow the Attorney-General into grounds which, if he had been wise, he would have avoided.

Yes; I am compelled to follow him into the discussion of his conduct toward the Catholics. He has poured out the full vial of his own praise on that conduct—praise in which, I can safely assure him, he has not a single unpaid rival. It is a topic upon which no unbribed man, except himself, dwells. I admit the disinterestedness with which he praises himself, and I do not envy him his delight, but he ought to know, if he sees or hears a word of that kind from any other man, that that man receives or expects compensation for his task, and really deserves money for his labor and invention.

My lord, upon the Catholic subject, I commence with one assertion of the Attorney-General, which I trust I misunderstood. He talked, as I collected him, of the Catholics having imbibed principles of a seditious, treasonable, and revolutionary nature! He seemed to me, most distinctly to charge us with treason! There is no relying on his words for his meaning—I know there is not. On a former occasion, I took down a repetition of this charge full seventeen times on my brief, and yet, afterwards, it turned out that he never intended to make

any such charge; that he forgot he had ever used those words, and he disclaimed the idea they naturally convey. It is clear, therefore, that upon this subject he knows not what he says; and that these phrases are the mere flowers of his rhetoric, but quite innocent of any meaning!

Upon this account I pass him by, I go beyond him, and I content myself with proclaiming those charges, whosoever may make them, to be false and base calumnies! It is impossible to refute such charges in the language of dignity or temper. But if any man dares to charge the Catholic body, or the Catholic Board, or any individuals of that Board with sedition or treason, I do here, I shall always in this court, in the city, in the field, brand him as an infamous and profligate liar!

Pardon the phrase, but there is no other suitable to the occasion. But he is a profligate liar who so asserts, because he must know that the whole tenor of our conduct confutes the assertion. What is it we seek?

CHIEF JUSTICE.—What, Mr. O'Connell, can this have to do with the question which the jury are to try?

MR. O'CONNELL.—You heard the Attorney-General traduce and calumniate us—you heard him with patience and with temper—listen now to our vindication!

I ask, what is it we seek? What is it we incessantly and, if you please, clamorously petition for? Why, to be allowed to partake of the advantages of the constitution. We are earnestly anxious to share the benefits of the constitution. We look to the participation in the constitution as our greatest political blessing. If we desired to destroy it, would we seek to share it? If we wished to overturn it, would we exert ourselves through calumny, and in peril, to obtain a portion of its blessings? Strange, inconsistent voice of calumny! You charge us with intemperance in our exertions for a participation in the constitution, and you charge us at the same time, almost in the same sentence, with a design to overturn the constitution. The dupes of your hypocrisy may believe you; but base calumniators, you do not, you cannot believe yourselves!

The Attorney-General—"this wisest and best of men," as his

colleague, the Solicitor-General, called him in his presence—the Attorney-General next boasted of his triumph over Pope and Popery—"I put down the Catholic Committee; I will put down, at my good time, the Catholic Board." This boast is partly historical, partly prophecy. He was wrong in his history—he is quite mistaken in his prophecy. He did not put down the Catholic Committee—we gave up that name the moment that this sapient Attorney-General's polemica-legal controversy dwindled into a mere dispute about words. He told us that in the English language "pretence" means "purpose;" had it been French and not English, we might have been inclined to respect his judgment, but in point of English we venture to differ with him; we told him "purpose," good Mr. Attorney-General, is just the reverse of "pretence." The quarrel grew warm and animated: we appealed to common sense, to the grammar and to the dictionary; common sense, grammar, and the dictionary, decided in our favor. He brought his appeal to this court, your lordship, and your brethren unanimously decided that in point of law—mark, mark, gentlemen of the jury, the sublime wisdom of the law—the court decided that, in point of law, "pretence" does mean "purpose!"

Fully contented with this very reasonable and more satisfactory decision, there still remained a matter of fact between us: the Attorney-General charged us with being representatives; we denied all representation. He had two witnesses to prove the fact for him; they swore to it one way at one trial, and directly the other way at the next. An honorable, intelligent, and enlightened jury disbelieved those witnesses at the first trial—matters were better managed at the second trial—the jury were better arranged. I speak delicately, gentlemen; the jury were better arranged, as the witnesses were better informed; and, accordingly, there was one verdict for us on the representative question, and one verdict against us.

You know the jury that found for us; you know that it was Sir Charles Saxton's Castle-list jury that found against us. Well, the consequence was, that, thus encouraged, Mr. Attorney-General proceeded to force. We abhorred tumult, and were weary of litigation; we new-modelled the agents and

managers of the Catholic petitions; we formed an assembly, respecting which there could not be a shadow of pretext for calling it a representative body. We disclaim representation; and we rendered it impossible, even for the virulence of the most malignant law-officer living, to employ the Convention Act against us—that, even upon the Attorney-General's own construction, requires representation as an ingredient in the offence it prohibits. He cannot possibly call us representatives; we are individual servants of the public, whose business we do gratuitously but zealously. Our cause has advanced even from his persecution—and this he calls putting down the Catholic Committee!

Next, he glorifies himself in his prospect of putting down the Catholic Board. For the present, he, indeed, tells you, that much as he hates the Papists, it is unnecessary for him to crush our Board, because we injure our own cause so much. He says that we are very criminal, but we are so foolish that our folly serves as a compensation for our wickedness. We are very wicked and very mischievous, but then we are such foolish little criminals, that we deserve his indulgence. Thus he tolerates offences because of their being committed sillily; and indeed, we give him so much pleasure and gratification by the injury we do our own cause, that he is spared the superfluous labor of impeding our petition by his prosecutions, fines, or imprisonments.

He expresses the very idea of the Roman Domitian, of whom some of you possibly may have read; he amused his days in torturing men—his evenings he relaxed in the humble cruelty of impaling flies. A courtier caught a fly for his imperial amusement—"Fool," said the emperor, "fool, to give thyself the trouble of torturing an animal that was about to burn itself to death in the candle!" Such is the spirit of the Attorney-General's commentary on our Board. Oh, rare Attorney-General!—Oh, best and wisest of men!

But to be serious. Let me pledge myself to you that he imposes on you, when he threatens to crush the Catholic Board. Illegal violence may do it—force may effectuate it; but your hopes and his will be defeated, if he attempts it by any course of law. I am, if not a lawyer, at least, a barrister. On this

subject I ought to know something, and I do not hesitate to contradict the Attorney-General on this point, and to proclaim to you and to the country that the Catholic Board is perfectly a legal assembly—that it not only does not violate the law, but that it is entitled to the protection of the law, and in the very proudest tone of firmness, I hurl defiance at the Attorney-General!

I defy him to allege a law or a statute, or even a proclamation that is violated by the Catholic Board. No, gentlemen, no; his religious prejudices—if the absence of every charity can be called anything religious—his religious prejudices really obscure his reason, his bigoted intolerance has totally darkened his understanding, and he mistakes the plainest facts and misquotes the clearest law, in the ardor and vehemence of his rancor. I disclaim his moderation—I scorn his forbearance—I tell him he knows not the law if he thinks as he says; and if he thinks so, I tell him to his beard, that he is not honest in not having sooner prosecuted us, and I challenge him to that prosecution.

It is strange—it is melancholy, to reflect on the miserable and mistaken pride that must inflate him to talk as he does of the Catholic Board. The Catholic Board is composed of men—I include not myself—of course, I always except myself—every way his superiors, in birth, in fortune, in talents, in rank. What! is he to talk of the Catholic Board lightly? At their head is the Earl of Fingal, a nobleman whose exalted rank stoops beneath the superior station of his virtues—whom even the venal minions of power must respect. We are engaged, patiently and perseveringly engaged, in a struggle through the open channels of the constitution for our liberties. The son of the ancient earl whom I have mentioned cannot in his native land attain any honorable distinction of the state, and yet Mr. Attorney-General knows that they are open to every son of every bigoted and intemperate stranger that may settle amongst us.

But this system cannot last; he may insult, he may calumniate, he may prosecute; but the Catholic cause is on its majestic march; its progress is rapid and obvious; it is cheered in its advance, and aided by all that is dignified and dispas-

sionate—by everything that is patriotic—by all the honor, all the integrity of the empire; and its success is just as certain as the return of to-morrow's sun, and the close of to-morrow's eve.

"We will—we must soon be emancipated, in despite of the Attorney-General, aided as he is by his august allies, the aldermen of Skinner's Alley. In despite of the Attorney-General and the aldermen of Skinner's Alley, our emancipation is certain, and not distant.

I have no difficulty in perceiving the motive of the Attorney-General, in devoting so much of his medley oration to the Catholic question, and to the expression of his bitter hatred to us, and of his determination to ruin our hopes. It had, to be sure, no connection with the cause, but it had a direct and natural connection with you. He has been, all his life, reckoned a man of consummate cunning and dexterity; and whilst one wonders that he has so much exposed himself upon those prosecutions, and accounts for it by the proverbial blindness of religious zeal, it is still easy to discover much of his native cunning and dexterity. Gentlemen, he thinks he knows his men—he knows you; many of you signed the no-Popery petition; he heard one of you boast of it; he knows you would not have been summoned on this jury, if you had entertained liberal sentiments; he knows all this, and, therefore it is that he, with the artifice and cunning of an experienced *nisi prius* advocate, endeavors to win your confidence, and command your affections by the display of his congenial illiberality and bigotry.

You are all, of course, Protestants; see what a compliment he pays to your religion and his own, when he endeavors thus to procure a verdict on your oaths; when he endeavors to seduce you to what, if you were so seduced, would be perjury, by indulging your prejudices, and flattering you by the coincidence of his sentiments and wishes. Will he succeed, gentlemen? Will you allow him to draw you into a perjury out of zeal for your religion? And will you violate the pledge you have given to your God to do justice, in order to gratify your anxiety for the ascendency of what you believe to be his church? Gentlemen, reflect on the strange and monstrous

inconsistency of this conduct, and do not commit, if you can avoid it, the pious crime of violating your solemn oaths, in aid of the pious designs of the Attorney-General against Popery.

Oh, gentlemen! it is not in any lightness of heart I thus address you—it is rather in bitterness and sorrow; you did not expect flattery from me, and my client was little disposed to offer it to you; besides, of what avail would it be to flatter, if you came here pre-determined, and it is too plain that you are not selected for this jury from any notion of your impartiality?

But when I talk to you of your oaths and of your religion I would full fain I could impress you with a respect for both the one and the other. I, who do not flatter, tell you, that though I do not join with you in belief, I have the most unfeigned respect for the form of Christian faith which you profess. Would that its substance, not its forms and temporal advantages, were deeply impressed on your minds! then should I not address you in the cheerless and hopeless despondency that crowds on my mind, and drives me to taunt you with the air of ridicule I do. Gentlemen, I sincerely respect and venerate your religion, but I despise and I now apprehend your prejudices, in the same proportion as the Attorney-General has cultivated them. In plain truth, every religion is good—every religion is true to him who, in his due caution and conscience, believes it. There is but one bad religion, that of a man who professes a faith which he does not believe; but the good religion may be, and often is, corrupted by the wretched and wicked prejudices which admit a difference of opinion as a cause of hatred.

The Attorney-General, defective in argument, weak in his cause, has artfully roused your prejudices at his side. I have, on the contrary, met your prejudices boldly. If your verdict shall be for me, you will be certain that it has been produced by nothing but unwilling conviction resulting from sober and satisfied judgment. If your verdict be bestowed upon the artifices of the Attorney-General, you may happen to be right; but do you not see the danger of its being produced by an admixture of passion and prejudice with your reason? How difficult is it to separate prejudice from reason, when they run

in the same direction. If you be men of conscience, then I call on you to listen to me, that your consciences may be safe, and your reason alone be the guardian of your oath, and the sole monitor of your decision.

I now bring you to the immediate subject of this indictment. Mr. Magee is charged with publishing a libel in his paper called the Dublin Evening Post. His lordship has decided that there is legal proof of the publication, and I would be sorry you thought of acquitting Mr. Magee under the pretence of not believing that evidence. I will not, therefore, trouble you on that part of the case; I will tell you, gentlemen, presently, what this publication is; but suffer me first to inform you what it is not—for this I consider to be very important to the strong, and, in truth, triumphant defence which my client has to this indictment.

Gentlemen, this is not a libel on Charles Lennox, Duke of Richmond, in his private or individual capacity. It does not interfere with the privacy of his domestic life. It is free from any reproach upon his domestic habits or conduct; it is perfectly pure from any attempt to traduce his personal honor or integrity. Towards the man, there is not the least taint of malignity; nay, the thing is still stronger. Of Charles Duke of Richmond, personally, and as disconnected with the administration of public affairs, it speaks in terms of civility and even respect. It contains this passage, which I read from the indictment:—

"Had he remained what he first came over, or what he afterwards professed to be, he would have retained his reputation for honest open hostility, defending his political principles with firmness, perhaps with warmth, but without rancor; the supporter and not the tool of an administration; a mistaken politician, perhaps, but an honorable man and a respectable soldier,"

The Duke is here in this libel, my lords—in this libel, gentlemen of the jury, the Duke of Richmond is called an honorable man and a respectable soldier! Could more flattering expressions be invented? Has the most mercenary press that ever yet existed, the mercenary press of this metropolis, contained in return for all the money it has received, any

praise which ought to be so pleasing—"an honorable man and a respectable soldier?" I do, therefore, beg of you, gentlemen, as you value your honesty, to carry with you in your distinct recollection, this fact, that whatever of evil this publication may contain, it does not involve any reproach against the Duke of Richmond, in any other than in his public and official character.

I have, gentlemen, next to require you to take notice, that this publication is not indicted as a seditious libel. The word seditious is, indeed, used as a kind of make-weight in the introductory part of the indictment. But mark, and recollect, that this is not an indictment for sedition. It is not, then, for private slander, nor for any offence against the constitution, that Mr. Magee now stands arraigned before you.

In the third place, gentlemen, there is this singular feature in this case, namely—that this libel, as the prosecutor calls it, is not charged in this indictment to be "false."

The indictment has this singular difference from any other I have ever seen, that the assertions of the publications are not even stated to be false.

They have not had the courtesy to you, to state upon record, that these charges, such as they are, were contrary to the truth. This I believe to be the first instance in which the allegation of falsehood has been omitted. To what is this omission to be attributed? Is it that an experiment is to be made, how much further the doctrine of the criminality of truth can be drawn? Does the prosecutor wish to make another bad precedent? or is it in contempt of any distinction between truth and falsehood, that this charge is thus framed? or does he fear that you would scruple to convict, if the indictment charged that to be false, which you all know to be true?

However that may be, I will have you to remember, that you are now to pronounce upon a publication, the truth of which is not controverted. Attend to the case, and you will find you are not to try Mr. Magee for sedition which may endanger the state, or for private defamation which may press sorely upon the heart, and blast the prospects of a private family; and that the subject matter for your decision is not characterized as false, or described as untrue.

Such are the circumstances which accompany this publication, on which you are to pronounce a verdict of guilt or innocence. The case is with you ; it belongs to you exclusively to decide it. His lordship may advise, but he cannot control your decision, and it belongs to you alone to say whether or not, upon the entire matter, you conceive it to be evidence of guilt, and deserving of punishment. The statute law gives or recognizes this your right, and, therefore, imposes this on you as your duty. The legislative has precluded any lawyer from being able to dictate to you. The Solicitor-General cannot now venture to promulgate the slavish doctrine which he addressed to Doctor Sheridan's jury, when he told them, "not to presume to differ from the Court in matter of law." The law and the fact are here the same, namely—the guilty or innocent design of the publication.

Indeed, in any criminal case, the doctrine of the Solicitor-General is intolerable. I enter my solemn protest against it. The verdict which is required from the jury in any criminal case has nothing special in it—it is not the finding of the fact in the affirmative or negative—it is not, as in Scotland, that the charge is proved or not proved. No ; the jury is to say whether the prisoner be guilty or not ; and could a juror find a true verdict, who declared a man guilty upon evidence of some act, perhaps praiseworthy, but clearly void of evil design or bad consequences ?

I do, therefore, deny the doctrine of the learned gentleman; it is not constitutional, and it would be frightful if it were. No judge can dictate to a jury—no jury ought to allow itself to be dictated to.

If the Solicitor-General's doctrine were established, see what oppressive consequences might result. At some future period, some man may attain the first place on the bench, by the reputation which is so easily acquired by a certain degree of church-wardening piety, added to a great gravity, and maidenly decorum of manners. Such a man may reach the bench —for I am putting an imaginary case—he may be a man without passions, and therefore without vices ; he may, my lord, be a man superfluously rich, and therefore, not to be bribed with money, but rendered partial by his bigotry, and

corrupted by his prejudices; such a man, inflated by flattery, and bloated in his dignity, may hereafter use that character for sanctity which has served to promote him, as a sword, to hew down the struggling liberties of his country; such a judge may interfere before trial! and at the trial be a partisan!

Gentlemen, should an honest jury—could an honest jury (if an honest jury were again found) listen with safety to the dictates of such a judge? I repeat it, therefore, that the Solicitor-General is mistaken—that the law does not, and cannot, require such a submission as he preached; and at all events, gentlemen, it cannot be controverted, that in the present instance, that of an alleged libel, the decision of all law and fact belongs to you.

I am then warranted in directing to you some observations on the law of libel, and in doing so, I disclaim any apology for the consumption of the time necessary for my purpose. Gentlemen, my intention is to lay before you a short and rapid view of the causes which have introduced into courts the monstrous assertion—that truth is crime!

It is to be deeply lamented, that the art of printing was unknown at the earlier periods of our history. If, at the time the barons wrung the simple but sublime charter of liberty from a timid, perfidious sovereign, from a violator of his word, from a man covered with disgrace, and sunk in infamy—if at the time when that charter was confirmed and renewed, the press had existed, it would, I think, have been the first care of those friends of freedom to have established a principle of liberty for it to rest upon, which might resist every future assault. Their simple and unsophisticated understandings could never be brought to comprehend the legal subtleties by which it is now argued, that falsehood is useful and innocent, and truth, the emanation and type of heaven, a crime. They would have cut with their swords the cobweb links of sophistry in which truth is entangled; and they would have rendered it impossible to re-establish this injustice without violating the principle of the constitution.

But in the ignorance of the blessing of a free press, they could not have provided for its security. There remains, how-

ever, an expression of their sentiments, on our statute books. The ancient parliament did pass a law against the spreaders of false rumors. This law proves two things—first, that before this statute, it was not considered a crime in law to spread even a false rumor, otherwise the statute would have been unnecessary; and secondly, that in their notion of crime, falsehood was a necessary ingredient. But here I have to remark upon, and regret the strange propensity of judges, to construe the law in favor of tyranny, and against liberty; for servile and corrupt judges soon decided, that upon the construction of this law, it was immaterial whether the rumors were true or false, and that a law made to punish false rumors, was equally applicable to the true.

This, gentlemen, is called construction; it is just that which in more recent times, and of inevitable consequence, from purer motives, has converted "pretence" into "purpose."

When the art of printing was invented, its value to every sufferer—its terror to every oppressor was soon obvious, and means were speedily adopted to prevent its salutary effects. The Star-Chamber—the odious Star-Chamber was either created, or, at least, enlarged and brought into activity. Its proceedings were arbitrary—its decisions were oppressive, and injustice and tyranny were formed into a system. To describe it to you in one sentence, it was a prematurely packed jury. Perhaps that description does not shock you much. Let me report one of its decisions which will, I think, make its horrors more sensible to you—it is a ludicrous as well as a melancholy instance.

A tradesman—a ruffian, I presume, he was styled—in an altercation with a nobleman's servant, called the swan, which was worn on the servant's arm for a badge, a goose. For this offence—the calling the nobleman's badge of a swan a goose, he was brought before the Star-Chamber—he was, of course, convicted; he lost, as I recollect, one of his ears on the pillory—was sentenced to two years' imprisonment, and a fine of £500; and all this to teach him to distinguish swans from geese.

I now ask you, to what is it you tradesmen and merchants are indebted for the safety and respect you can enjoy in society? What is it which has rescued you from the slavery

in which persons who are engaged in trade were held by the iron barons of former days? I will tell you; it is the light, the reason, and the liberty which have been created, and will, in despite of every opposition, be perpetuated by the exertion of the press.

Gentlemen, the Star-Chamber was particularly vigilant over the infant struggles of the press. A code of laws became necessary to govern the new enemy to prejudice and oppression—the Press. The Star-Chamber adopted, for this purpose, the civil law, as it is called—the law of Rome—not the law at the periods of her liberty and her glory, but the law which was promulgated when she fell into slavery and disgrace, and recognized this principle, that the will of the prince was the rule of the law. The civil law was adopted by the Star-Chamber as its guide in proceedings against, and in punishing libellers; but, unfortunately, only part of it was adopted, and that, of course, was the part least favorable to freedom. So much of the civil law as assisted to discover the concealed libeller, and to punish him when discovered, was carefully selected; but the civil law allowed truth to be a defence, and that part was carefully rejected.

The Star-Chamber was soon after abolished. It was suppressed by the hatred and vengeance of an outraged people, and it has since, and until our days, lived only in the recollection of abhorrence and contempt. But we have fallen upon bad days and evil times; and in our days we have seen a lawyer, long of the prostrate and degraded bar of England, presume to suggest a high eulogium on the Star-Chamber, and regret its downfall; and he has done this in a book dedicated, by permission, to Lord Ellenborough. This is, perhaps, an ominous circumstance; and as Star-Chamber punishments have been revived—as two years of imprisonment has become familiar, I know not how soon the useless lumber of even well-selected juries may be abolished, and a new Star-Chamber created.

From the Star-Chamber, gentlemen, the prevention and punishment of libels descended to the courts of common law, and with the power they seem to have inherited much of the spirit of that tribunal. Servility at the bar, and profligacy on

the bench, have not been wanting to aid every construction unfavorable to freedom, and at length it is taken as granted and as clear law, that truth or falsehood are quite immaterial circumstances, constituting no part of either guilt or innocence.

I would wish to examine this revolting doctrine, and, in doing so, I am proud to tell you, that it has no other foundation than in the oft-repeated assertions of lawyers and judges. Its authority depends on what are technically called the dicta of the judges and writers, and not upon solemn or regular adjudications on the point. One servile lawyer has repeated this doctrine, from time to time, after another—and one overbearing judge has re-echoed the assertion of a time-serving predecessor, and the public have, at length, submitted.

I do, therefore, feel, not only gratified in having the occasion, but bound to express my opinion upon the real law of this subject. I know that opinion is but of little weight. I have no professional rank, or station, or talents to give it importance, but it is an honest and conscientious opinion, and it is this—that in the discussion of public subjects, and of the administration of public men, truth is a duty and not a crime.

You can, at least, understand my description of the liberty of the press. That of the Attorney-General is as unintelligible as contradictory. He tells you, in a very odd and quaint phrase, that the liberty of the press consists in there being no previous restraint upon the tongue or the pen. How any previous restraint could be imposed on the tongue it is for this wisest of men to tell you, unless, indeed, he resorts to Dr. Lad's prescription with respect to the toothache eradication. Neither can the absence of previous restraint constitute a free press, unless, indeed, it shall be distinctly ascertained, and clearly defined, what shall be subsequently called a crime. If the crime of libel be undefined, or uncertain, or capricious, then, instead of the absence of restraint before publication being an advantage, it is an injury; instead of its being a blessing, it is a curse—it is nothing more than a pitfall and snare for the unwary. This liberty of the press is only an opportunity and a temptation offered by the law to the commission of crime—it is a trap laid to catch men for punishment—it is not the liberty of discussing truth or discoun-

tenancing oppression, but a mode of rearing up victims for prosecution, and of seducing men into imprisonment.

Yet, can any gentleman concerned for the Crown give me a definition of the crime of libel? Is it not uncertain and undefined; and, in truth, is it not, at this moment, quite subject to the caprice and whim of the judge and of the jury? Is the Attorney-General—is the Solicitor-General disposed to say otherwise? If he do, he must contradict his own doctrine, and adopt mine.

But no, gentlemen, they must leave you in uncertainty and doubt, and ask you to give a verdict, on your oath, without furnishing you with any rational materials to judge whether you be right or wrong. Indeed, to such a wild extent of caprice has Lord Ellenborough carried the doctrine of crime in libel, that he appears to have gravely ruled, that it was a crime to call one lord "a stout-built, special pleader," although, in point of fact, that lord was stout-built, and had been very many years a special pleader. And that it was a crime to call another lord, "a sheep-feeder from Cambridgeshire," although that lord was right glad to have a few sheep in that county. These are the extravagant vagaries of the Crown lawyers and prerogative judges; you will find it impossible to discover any rational rule for your conduct, and can never rest upon any satisfactory view of the subject, unless you are pleased to adopt my description. Reason and justice equally recognize it, and believe me, that genuine law is much more closely connected with justice and reason than some persons will avow.

Gentlemen, you are now apprised of the nature of the alleged libel; it is a discussion upon the administration of public men. I have also submitted to you my view of the law applicable to such a publication; we are, therefore, prepared to go into the consideration of every sentence in the newspaper in question.

But before I do so, just allow me to point your attention to the motives of this young gentleman. The Attorney-General has threatened him with fine and a dungeon; he has told Mr. Magee that he should suffer in his purse and in his person. Mr. Magee knew his danger well. Mr. Magee, before he published this paper, was quite apprised that he ran the risk of

fine and of imprisonment. He knew also that if he changed his tone—that if he became merely neutral, but especially, if he went over to the other side and praised the Duke of Richmond—if he had sufficient gravity to talk, without a smile, of the sorrow of the people of Ireland at his Grace's departure—if he had a visage sufficiently lugubrious to say so, without laughing, to cry out "mournfully, oh! mournfully!" for the departure of the Duke of Richmond—if at a period when the people of Ireland, from Magherafelt to Dingledecouch, are rejoicing at that departure, Mr. Magee could put on a solemn countenance and pick up a grave and narcotic accent, and have the resolution to assert the sorrow of the people for losing so sweet and civil a Lord Lieutenant—why, in that case, gentlemen, you know the consequences. They are obvious. He might libel certain classes of his Majesty's subjects with impunity; he would get abundance of money, a place, and a pension—you know he would. The proclamations would be inserted in his paper. The wide-street advertisements, the ordnance, the barrack-board notices, and the advertisements of all the other public boards and offices—you can scarcely calculate how much money he sacrifices to his principles. I am greatly within bounds when I say, at least, £5,000 per annum, of the public money, would reach him if he were to alter his tone, and abandon his opinions.

Has he instructed me to boast of the sacrifices he thus makes? No, gentlemen, no, no; he deems it no sacrifice, because he desires no share in the public plunder; but I introduce this topic to demonstrate to you the purity of his intentions. He cannot be actuated, in the part he takes, by mean or mercenary motives; it is not the base lucre of gain that leads him astray. If he be mistaken, he is, at least, disinterested and sincere. You may dislike his political opinions, but you cannot avoid respecting the independence of his principles.

Behold, now, the publication which this man of pure principles is called to answer for as a libel. It commences thus :—

"DUKE OF RICHMOND.

"As the Duke of Richmond will shortly retire from the government of Ireland, it has been deemed necessary to take such a review of his

administration as may, at least, warn his successor from pursuing the errors of his Grace's conduct.

"The review shall contain many anecdotes of the Irish court which were never published, and which were so secret, that his Grace will not fail to be surprised at the sight of them in a newspaper."

In this paragraph there is nothing libellous; it talks of the errors, indeed, of his Grace's administration; but I do not think the Attorney-General will venture to suggest, that the gentle expression of "errors," is a libel.

To err, gentlemen, is human: and his Grace is admitted, by the Attorney-General, to be but a man; I shall waste none of your time in proving, that we may, without offence, treat of his "errors." But, this is not even the errors of the man, but of his administration; it was not infallible, I humbly presume.

I call your particular attention to the second paragraph; it runs thus:

"If the administration of the Duke of Richmond had been conducted with more than ordinary talent, its errors might, in some degree have been atoned for by its ability, and the people of Ireland, though they might have much to regret, yet would have something to admire; but truly, after the gravest consideration, they must find themselves at a loss to discover any striking feature in his Grace's administration, that makes it superior to the worst of his predecessors."

The Attorney-General dwelt much upon this paragraph, gentlemen, and the importance which he attached to it furnishes a strong illustration of his own consciousness of the weakness of his case. What is the meaning of this paragraph? I appeal to you whether it be more than this—that there has been nothing admirable in his administration—that there has not been much ability displayed by it. So far, gentlemen, there is, indeed, no flattery, but still less of libel, unless you are prepared to say, that to withhold praise from any administration deserves punishment.

Is it an indictable offence not to perceive its occult talents? Why, if it be, find my client guilty of not being a sycophant and a flatterer, and send him to prison for two years, to gratify the Attorney-General, who tells you that the Duke of Richmond is the best chief governor Ireland ever saw.

But the mischief, I am told, lies in the art of the sentence. Why, all that it says is, that it is difficult to discover the striking features that distinguish this from bad administrations. It does not, gentlemen, assert that no such striking features exist, much less, does it assert that no features of that kind exist, or that such features, although not striking, are not easily discernible. So that, really, you are here again required to convict a man for not flattering. He thinks an administration untalented and silly; that is no crime; he says, it has not been marked with talent or ability—that it has no striking features; all this may be mistaken and false, yet there is nothing in it that resembles a crime.

And, gentlemen, if it be true—if this be a foolish administration, can it be an offence to say so? If it has had no striking features to distinguish it from bad administrations, can it be criminal to say so? Are you prepared to say, that not one word of truth can be told under no less a penalty than years of a dungeon and heavy fines?

Recollect, that the Attorney-General told you that the press was the protection of the people against the government. Good Heaven! gentlemen, how can it protect the people against the government, if it be a crime to say of that government that it has committed errors, displays little talent, and has no striking features? Did the prosecutor mock you, when he talked of the protection the press afforded to the people? If he did not insult you by the admission of that upon which he will not allow you to act, let me ask, against what is the press to protect the people? When do the people want protection?—when the government is engaged in delinquencies, oppression, and crimes. It is against these that the people want the protection of the press. Now, I put it to your plain sense, whether the press can afford such protection, if it be punished for treating of these crimes?

Still more, can a shadow of protection be given by a press that is not permitted to mention the errors, the talents, and the striking features of an administration? Here is a watchman admitted by the Attorney-General to be at his post to warn the people of their danger, and the first thing that is done to this watchman is to knock him down and bring him to

a dungeon for announcing the danger he is bound to disclose. I agree with the Attorney-General, the press is a protection, but it is not in its silence or in its voice of flattery. It can protect only by speaking out when there is danger, or error, or want of ability. If the harshness of this tone be complained of, I ask, what is it the Attorney-General would have? Does he wish that this protection should speak so as not to be understood; or, I again repeat it, does he mean to delude us with the name and the mockery of protection? Upon this ground, I defy you to find a verdict for the prosecutor, without declaring that he has been guilty of an attempt to deceive, when he talked of the protection of the press against errors, ignorance, and incapacity, which it is not to dare even to name. Gentlemen, upon this second paragraph, I am entitled to your verdict upon the Attorney-General's own admission.

He, indeed, passed on to the next sentence with an air of triumph, with the apparent certainty of its producing a conviction; I meet him upon it—I read it boldly—I will discuss it with you manfully—it is this:

"They insulted, they oppressed, they murdered, and they deceived."

The Attorney-General told us, rather ludicrously, that "They," meaning the Duke's predecessors, included, of course, himself. How a man could be included amongst his predecessors, it would be difficult to discover. It seems to be that mode of expression which would indicate that the Attorney-General, notwithstanding his foreign descent, has imbibed some of the language of the native Irish. But our blunders arise not, like this, from a confusion of ideas; they are generally caused by too great condensation of thought; they are, indeed, frequently of the head, but never—never of the heart. Would I could say so much for the Attorney-General; his blunder is not to be attributed to his cool and cautious head; it sprung, I much fear, from the misguided bitterness of the bigotry of his heart.

Well, gentlemen, this sentence does, in broad and distinct terms, charge the predecessors of the Duke, but not the Duke himself, with insult, oppression, murder, and deceit. But it is history, gentlemen: are you prepared to silence the voice of

history? Are you disposed to suppress the recital of facts—the story of the events of former days? Is the historian, and the publisher of history, to be exposed to indictment and punishment?

Let me read for you two passages from Doctor Leland's History of Ireland. I choose a remote period to avoid shocking your prejudices, by the recital of the more modern crimes of the faction to which most of you belong. Attend to this passage, gentlemen.

"Anno 1574.—A solemn peace and concord was made between the Earl of Essex and Felim O'Nial. However, at a feast, wherein the Earl entertained that chieftain, and at the end of their good cheer, O'Nial, with his wife, were seized; their friends, who attended, were put to the sword before their faces. Felim, together with his wife and brother, were conveyed to Dublin, where they were cut up in quarters."

How would you have this fact described? In what lady-like terms is the future historian to mention this savage and brutal massacre? Yet Essex was an English nobleman—a predecessor of his Grace; he was accomplished, gallant, and gay; the envied paramour of the virgin queen; and, if he afterwards fell on the scaffold, one of the race of the ancient Irish may be permitted to indulge the fond superstition that would avenge the royal blood of the O'Nial and of his consort, on their perfidious English murderer.

But my soul fills with bitterness, and I will read of no more Irish murders. I turn, however, to another page, and I will introduce to your notice another predecessor of his Grace the Duke of Richmond. It is Grey, who, after the recall of Essex, commanded the English forces in Munster. The fort of Smerwick, in Kerry, surrendered to Grey at discretion. It contained some Irish troops, and more than 700 Spaniards. The historian shall tell you the rest:

"That mercy for which they sued was rigidly denied them. Wingfield was commissioned to disarm them, and when this service was performed, an English company was sent into the fort.

"The Irish rebels found they were reserved for execution by martial law.

"The Italian general and some officers were made prisoners of war:

but the garrison was butchered in cold blood; nor is it without pain, that we find a service so horrid and detestable, committed to Sir Walter Raleigh."

"The garrison was butchered in cold blood," says the historian. Furnish us, Mr. Attorney-General, with gentle accents and sweet words, to speak of this savage atrocity; or will you indict the author? Alas! he is dead, full of years and respect—as faithful an historian as the prejudices of his day would allow, and a beneficed clergyman of your church.

Gentlemen of the jury, what is the mild language of this paper compared with the indignant language of history? Raleigh—the ill-starred Raleigh—fell a victim to a tyrant master, a corrupt or overawed jury, and a virulent Attorney-General; he was baited at the bar with language more scurrilous and more foul than that you heard yesterday poured upon my client. Yet, what atonement to civilization could his death afford for the horrors I have mentioned?

Decide, now, gentlemen, between those libels—between that defamer's history and my client. He calls those predecessors of his Grace, murderers. History has left the living records of their crimes from the O'Nial, treacherously slaughtered, to the cruel cold butchery of the defenceless prisoners. Until I shall see the publishers of Leland and of Hume brought to your bar, I defy you to convict my client.

To show you that my client has treated these predecessors of his Grace with great lenity, I will introduce to your notice one, and only one more of them; and he, too, fell on the scaffold—the unfortunate Strafford, the best servant a despotic king could desire.

Amongst the means taken to raise money in Ireland, for James the First, and his son Charles, a proceeding called "a commission to inquire into defective titles," was invented. It was a scheme, gentlemen, to inquire of every man what right he had to his own property, and to have it solemnly and legally determined that he had none. To effectuate this scheme required great management, discretion, and integrity. First, there were 4,000 excellent horse raised for the purpose of being, as Strafford himself said, "good lookers on." The rest of the arrangement I would recommend to modern prac-

tice; it would save much trouble. I will shortly abstract it from two of Strafford's own letters.

The one appears to have been written by him to the Lord Treasurer; it is dated the 3d December, 1634. He begins with an apology for not having been more expeditious in this work of plunder, for his employers were, it seems, impatient at the melancholy waste of time. He then says:

"Howbeit, I will redeem the time as much as I can, with such as may give furtherance to the king's title, and will inquire out fit men to serve upon the juries."

Take notice of that, gentlemen, I pray you; perhaps you thought that the "packing of juries" was a modern invention —a new discovery. You see how greatly mistaken you were; the thing has example and precedent to support it, and the authority of both are, in our law, quite conclusive.

The next step was to corrupt—oh, no, to interest the wise and learned judges. But commentary becomes unnecessary, when I read for you this passage from a letter of his to the king, dated the 9th of December, 1636:

"Your Majesty was graciously pleased, upon my humble advice, to bestow four shillings in the pound upon your Lord Chief Justice and Lord Chief Baron in this kingdom, fourth of the first yearly rent raised upon the commission of defective title, which, upon observation, I find to be the best given that ever was. For now they do intend it, with a care and diligence, such as if it was their own private, and most certain gaining to themselves; every four shillings once paid, shall better your revenue for ever after, at least five pounds."

Thus, gentlemen of the jury, all was ready for the mockery of law and justice, called a trial.

Now let me take any one of you; let me place him here, where Mr. Magee stands; let him have his property at stake; let it be of less value, I pray you, than a compensation for two years' imprisonment; it will, however, be of sufficient value to interest and rouse all your agony and anxiety. If you were so placed here, you would see before you the well-paid Attorney-General, perhaps, malignantly delighted to pour his rancor upon you; on the bench would sit the corrupt and partisan judge, and before you, on that seat which you now

occupy, would be placed the packed and predetermined jury. I beg, sir, to know what would be your feelings, your honor, your rage; would you not compare the Attorney-General to the gambler who played with a loaded die, and then you would hear him talk, in solemn and monotonous tones, of his conscience! Oh, his conscience, gentlemen of the jury!

But the times are altered. The press, the press, gentlemen, has effectuated a salutary revolution; a commission of defective titles would no longer be tolerated; the judges can no longer be bribed with money, and juries can no longer be —— I must not say it. Yes, they can, you know—we all know they can be still inquired out, and "packed," as the technical phrase is. But you, who are not packed, you, who have been fairly selected, will see that the language of the publication before us is mildness itself, compared with that which the truth of history requires—compared with that which history has already used.

I proceed with this alleged libel.

The next sentence is this—

"The profligate, unprincipled Westmoreland." I throw down the paper and address myself in particular to some of you. There are, I see, amongst you some of our Bible distributers, "and of our suppressors of vice." Distributers of Bibles, suppressors of vice—what call you profligacy? What is it you would call profligacy? Suppose the peerage was exposed for sale—set up at open auction—it was at that time a judicial office—suppose that its price, the exact price of this judicial office, was accurately ascertained by daily experience —would you call that profligacy? If pensions were multiplied beyond bounds and beyond example—if places were augmented until invention was exhausted, and then were subdivided and split into halves, so that two might take the emoluments of each, and no person do the duty—if these acts were resorted to in order to corrupt your representatives—would you, gentle suppressors of vice, call that profligacy?

If the father of children selected in the open day his adulterous paramour—if the wedded mother of children displayed her crime unblushingly—if the assent of the titled or untitled wittol to his own shame was purchased with the people's

money—if this scene—if these were enacted in the open day, would you call that profligacy, sweet distributers of Bibles? The women of Ireland have always been beauteous to a proverb; they were, without an exception, chaste beyond the terseness of a proverb to express; they are still as chaste as in former days, but the depraved example of a depraved court has furnished some exceptions, and the action of criminal conversation, before the time of Westmoreland unknown, has since become more familiar to our courts of justice.

Call you the sad example which produced those exceptions—call you that profligacy, suppressors of vice and Bible distributers? The vices of the poor are within the reach of control; to suppress them, you can call in aid the churchwarden and the constable; the justice of the peace will readily aid you, for he is a gentleman—the Court of Sessions will punish those vices for you by fine, by imprisonment, and, if you are urgent, by whipping. But, suppressors of vice, who shall aid you to suppress the vices of the great? Are you sincere, or are you, to use your own phraseology, whitewashed tombs—painted charnel-houses? Be ye hypocrites? If you are not—if you be sincere—(and, oh, how I wish that you were)—if you be sincere, I will steadily require to know of you, what aid you expect, to suppress the vices of the rich and great? Who will assist you to suppress those vices? The churchwarden!—why he, I believe, handed them into the best pew in one of your cathedrals, that they might lovingly hear Divine service together. The constable!—absurd. The justice of the peace!—no, upon his honor. As to the Court of Sessions, you cannot expect it to interfere; and my lords the judges are really so busy at the assizes, in hurrying the grand juries through the presentments, that there is no leisure to look after the scandalous faults of the great. Who, then, sincere and candid suppressors of vice, can aid you? The Press; the Press alone talks of the profligacy of the great; and, at least, shames into decency those whom it may fail to correct. The Press is your, but your only assistant. Go, then, men of conscience, men of religion—go, then, and convict John Magee, because he published that Westmoreland was profligate and unprincipled as a lord lieutenant—do, con-

vict, and then return to your distribution of Bibles and to your attacks upon the recreations of the poor, under the name of vices.

Do, convict the only aid which virtue has, and distribute your Bibles that you may have the name of being religious; upon your sincerity depends my client's prospect of a verdict. Does he lean upon a broken reed?

I pass on from the sanctified portion of the jury which I have latterly addressed, and I call the attention of you all to the next member of the sentence—

"The cold-hearted and cruel Camden."

Here I have your prejudices all armed against me. In the administration of Camden, your faction was cherished and triumphant. Will you prevent him to be called cold and cruel? Alas! to-day, why have I not men to address who would listen to me for the sake of impartial justice! But even with you the case is too powerful to allow me to despair.

Well, I do say, "the cold and cruel Camden." Why, on one circuit, during his administration, there were one hundred individuals tried before one judge; of these ninety-eight were capitally convicted, and ninety-seven hanged! I understand one escaped; but he was a soldier who murdered a peasant, or something of that trivial nature—ninety-seven victims in one circuit!

In the meantime, it was necessary, for the purposes of the Union, that the flame of rebellion should be fed. The meetings of the rebel colonels in the north were, for a length of time, regularly reported to government; but the rebellion was not then ripe enough; and whilst the fruit was coming to maturity, under the fostering hand of the administration, the wretched dupes atoned on the gallows for allowing themselves to be deceived.

In the meantime the soldiery were turned in at free quarters amongst the wives and daughters of the peasantry!

Have you heard of Abercrombie, the valiant and the good —he who, mortally wounded, neglected his wound until victory was ascertained—he who allowed his life's stream to flow unnoticed because his country's battle was in suspense—he who died the martyr of victory—he who commenced the ca-

reer of glory on the land, and taught French insolence, than which there is nothing so permanent—even transplanted, it exhibits itself to the third and fourth generation—he taught French insolence, that the British and Irish soldier was as much his superior by land, as the sailor was confessedly by sea—he, in short, who commenced that career which has since placed the Irish Wellington on the highest pinnacle of glory. Abercrombie and Moore were in Ireland under Camden. Moore, too, has since fallen at the moment of triumph—Moore, the best of sons, of brothers, of friends, of men—the soldier and the scholar—the soul of reason and the heart of pity—Moore has, in documents of which you may plead ignorance, left his opinions upon record with respect to the cruelty of Camden's administration. But you all have heard of Abercrombie's proclamation, for it amounted to that; he proclaimed that cruelty in terms the most unequivocal; he stated to the soldiery and to the nation, that the conduct of the Camden administration had rendered "the soldiery formidable to all but the enemy."

Was there no cruelty in thus degrading the British soldier? And say, was not the process by which that degradation was effectuated cruelty? Do, then, contradict Abercrombie, upon your oaths, if you dare; but, by doing so, it is not my client alone you will convict—you will also convict yourselves of the foul crime of perjury.

I now come to the third branch of this sentence; and here I have an easy task. All, gentlemen, that is said to the artificer and superintendent of the Union is this—"the artful and treacherous Cornwallis." Is it necessary to prove that the Union was effectuated by artifice and treachery? For my part, it makes my blood boil when I think of the unhappy period which was contrived and seized on to carry it into effect; one year sooner, and it would have made a revolution—one year later, and it would have been for ever impossible to carry it. The moment was artfully and treacherously seized on, and our country, that was a nation for countless ages, has dwindled into a province, and her name and her glory are extinct for ever.

I should not waste a moment upon this part of the case, but

that the gentlemen at the other side who opposed that measure have furnished me with some topics which I may not, cannot omit. Indeed Mr. Magee deserves no verdict from any Irish jury, who can hesitate to think that the contriver of the Union is treated with too much lenity in this sentence; he fears your disapprobation for speaking with so little animosity of the artificer of the Union.

There was one piece of treachery committed at that period, at which both you and I equally rejoice; it was the breach of faith towards the leading Catholics; the written promises made them at that period have been since printed; I rejoice with you that they were not fulfilled; when the Catholic trafficked for his own advantage upon his country's miseries, he deserved to be deceived. For this mockery, I thank the Cornwallis administration. I rejoice, also, that my first introduction to the stage of public life, was in the opposition to that measure.

In humble and obscure distance, I followed the footsteps of my present adversaries. What their sentiments were then of the authors of the Union, I beg to read to you; I will read them from a newspaper set up for the mere purpose of opposing the Union, and conducted under the control of these gentlemen. If their editor should be gravely denied, I shall only reply—"Oh, cease your funning."*

The charge of being a Jacobin, was at that time made against the present Attorney-General—him, plain William Saurin—in the very terms, and with just as much truth as he now applies it to my client. His reply shall serve for that of Mr. Magee. I take it from the anti-Union of the 22nd March, 1800.

"To the charge of Jacobin, Mr. Saurin said he knew not what it meant, as applied to him, except it was an opposition to the will of the British minister."

So says Mr. Magee; but, gentlemen, my eye lights upon another passage of Mr. Saurin's in the same speech from which I have quoted the above. It was in these words:

* A pamphlet full of wit and talent under this title was published by the Solicitor-General.

"Mr. Saurin admitted, that debates might sometimes produce agitations, but that was the price necessarily paid for liberty."

Oh, how I thank this good Jew for the word. Yes, agitation is, as Mr. Saurin well remarked, the price necessarily paid for liberty. We have paid the price, gentlemen, and the honest man refuses to give us the goods.

Now, gentlemen, of this Mr. Saurin, then an agitator, I beg leave to read the opinion upon this Union, the author of which we have only called artful and treacherous. From this speech of the 13th March, 1800, I select these passages:

"Mr. Saurin said he felt it his duty to the crown, to the country, and to his family, to warn the minister of the dreadful consequences of persevering in a measure which the people of Ireland almost unanimously disliked."

And again—

"He, for one, would assert the principles of the glorious revolution, and boldly declare in the face of the nation, that when the sovereign power dissolved the compact that existed between the government and the people, that moment the right of resistance accrues.

"Whether it would be prudent in the people to avail themselves of that right would be another question. But if a legislative union were forced on the country, against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation, and not a resistance against law."

May I be permitted just to observe, how much more violent, this agitator of the year 1800, than we poor and timid agitators of the year 1813. When did we talk of resistance being a question of prudence? Shame upon the men who call us intemperate, and yet remember their own violence.

But, gentlemen, is the Attorney-General at liberty to change the nature of things with his own official and professional prospects? I am ready to admit that he receives thousands of pounds by the year of the public moneys, in his office of Attorney-General—thousands from the Crown-Solicitor—thousands, for doing little work, from the Custom-House; but does all this public booty with which he is loaded alter the nature of things, or prevent that from being a deceitful measure, brought about by artful and treacherous means, against which Mr. Saurin, in 1800, preached the holy doc-

trine of insurrection, sounded the tocsin of resistance, and summoned the people of the land to battle against it, as against usurpation?

In 1800, he absolves the subjects from their allegiance—if the usurpation, styled the Union, will be carried—and he, this identical agitator, in 1813, indicts a man, and calls him a ruffian, for speaking of the contrivers of the Union, not as usurpers, but as artful, treacherous men. Gentlemen, pity the situation in which he has placed himself; and pray, do not think of inflicting punishment upon my client for his extreme moderation.

It has been coarsely urged, and it will, I know, be urged in the splendid misrepresentations with which the Solicitor-General can so well distort the argument he is unable to meet—it will, I know, be urged by him, that having established the right to use this last paragraph—having proved that the predecessors of the Duke were oppressors and murderers, and profligate, and treacherous, that the libel is only aggravated thereby, as the first paragraph compares and combines the Duke of Richmond with the worst of his predecessors.

This is a most fallacious assertion; and here it is that I could wish I had to address a dispassionate and an enlightened jury. You are not, you know you are not, of the selection of my client. Had he the poor privilege of the sheep-stealer, there are, at least, ten of you who should never have been on his jury. But the jury he would select is not such a jury in his favor, as has been impanelled against him; he desires no favor; he would desire only that the most respectable and unprejudiced of your city should be selected for his trial; his only ambition would be perfect impartiality; he would desire, and I should desire for him, a jury whose verdict of conviction, if they did convict him, would produce a sense of error and a feeling more painful to his mind of being wrong than a star-chamber sentence.

If I had to address such a jury, how easily could I show them that there is no comparison—no attempt at similitude. On the contrary, the object of the writer is clearly to make a contrast. Grey murdered; but he was an able statesman; his massacre was a crime in itself, but eminently useful to his em-

ployers; it contributed mainly to secure the forfeiture of the overgrown territories of the House of Desmond. Essex was a murderer, but his extreme of vice was accompanied by great military services; he was principally instrumental in effectuating the conquest of Ireland—even his crimes served the cause of his royal mistress, and the territory of the slaughtered O'Nial became shire land; he had terrific cruelty to answer for, but he could give it some answer in the splendor and solidity of his services. So of Strafford—he was an eminent oppressor, but he was also eminently useful to his royal master.

As to the Duke of Richmond, the contrast is intended to be complete—he has neither great crimes nor great virtues. He did not murder, like Essex and Grey, but he did not render any splendid services. In short, his administration has been directly the reverse of these. It has been marked by errors and not crimes. It has not displayed talents as they did; and it has no striking features as they had. Such is the fair, the rational, and the just construction which a fair, rational, and just jury would put upon it.

Indeed, the Attorney-General seems to feel it was necessary for him to resort to other topics, in order to induce you to convict upon this part of the case. He tells you that this is the second time that the Duke of Richmond has been called a murderer. Gentlemen, in this indictment there is no allegation that the Duke is styled a murderer by this publication; if there had been, he should be readily acquitted, even for the variance; and when the Attorney-General resorts to Barry's case, he does it to inflame your passions, and mislead your understandings—and then what has the Irish Magazine to do with this trial?

Walter Cox, with his Irish Magazine, is as good a Protestant as the king's Attorney-General, and probably quite as sincere in the profession of that religion, though by no means as much disposed to persecute those who differ from him in religious belief. Indeed, if he were a persecutor of his countrymen, he would not be where he is—in prison; he would probably enjoy a full share of the public plunder, and which is now lavished on the stupid journals in the pay of the Castle—from the

versatile, venal, and verbose correspondent, to the equally dull and corrupt Dublin Journal.

It is, however, not true, that he is in jail because he published what is called a libel. The Attorney-General talked with a gloating pleasure of the miseries poor Watty Cox endures in jail—miseries that seem to give poignancy and zest to the enjoyments of his prosecutor. I will make him happy; let him return from this court to his luxuries, and when he finds himself at his table, surrounded with every delicacy, and every profusion, remember that his prisoner Walter Cox is starving. I envy him not this relish, but I cannot suffer him to mislead you. Cox is not in jail because he published a libel; he is there because he is poor. His time of imprisonment expired last February, but he was condemned to pay a fine of £300, and having no money, he has since remained in jail. It is his poverty, therefore, and not his crime, that detains him within the fangs of the Attorney-General—if, indeed, there be any greater crime in society than being poor.

And next, the Attorney-General makes a beautiful eulogium on Magna Charta. There we agree. I should indeed prefer seeing the principles of that great charter called into practical effect, to hearing any palinode, however beautiful, said or sung on its merits. But what recommendation can Magna Charta have for poor Cox? That charter of liberty expressly provides that no man shall be fined beyond what he can pay. A very simple and natural provision against political severity. But Cox is fined £300 when he is not worth a single shilling. He appealed to this court for relief, and quotes Magna Charta. Your lordship was not pleased to give him any relief. He applies to the Court of Exchequer, and that Court, after hearing the Attorney-General against him, finds itself unable to give any relief; and, after all this, the unfortunate man is to be tantalized with hearing that the Attorney-General contrived to couple his case with the praise of the great charter of liberty—a most unlucky coincidence—almost enough to drive him, in whose person that charter is violated, into a state of insanity.

Poor Watty Cox is a coarse fellow, and, I think, he would be apt to reply to that praise in the profane and contemptuous

rhyme of Cromwell; most assuredly he has no reason to treat this useless law with great reverence. It would, indeed, appear as if the prosecutor eulogized Magna Charta only to give more brilliancy to his triumph, which he has obtained in the person of poor Cox over it.

The next topic of the Attorney-General's triumphant abuse was the book entitled, "The Statement of the Penal Laws." He called it a convicted book. He exulted that the publisher was in prison; he traduced the author, and he distorted and misrepresented the spirit and meaning of that book. As to the publisher, he is, I admit, in prison. The Attorney-General has had the pleasure of tearing a respectable citizen, of irreproachable character and conduct, from his wife and the little children who were rendered comfortable by his honest, persevering industry, and he has immured him in a dungeon. I only congratulate him on his victory.

As to the author, he is just the reverse of what the Attorney-General would wish him to be; he is a man of fortune; he is an able lawyer—a professional scholar—an accomplished gentleman—a sincere friend to his country, which he has ornamented and served. As to the book, it is really ludicrous to an extreme degree of comicality to call it a convicted book. There are about 400 pages in the work; it contains an elaborate, unexaggerated, and, I think, softened detail of the laws which aggrieve the Catholics of Ireland, and of the practical results of those laws. Such a system, to which the Attorney-General is wedded, as much as to his own emolument, must have excited no small share of irritation in his mind. It produced a powerful sensation on the entire party to which he belongs. Abundant attempts were made to answer it: they were paid for out of the public money; they totally failed, and yet if the book had been erroneous, there could be nothing easier than its confutation.

If that book had been mistaken in matter of law, or exaggerated in matter of fact, its refutation would have been found, where we have found and proved its perfect accuracy, in the statute book and in the daily experience of every individual in Ireland. Truth, you are told by the prosecutor, is no defence in case of libel; but certainly this book was much the more

provoking for being true; and yet, gentlemen, with the most powerful incentives to prosecute this book, the Attorney-General has been compelled, most reluctantly, to spare every word of the 400 pages of text and margin, and has been unable to find any pretext for an indictment, save in a paltry note containing eight lines and a half, and three marks of admiration.

My lords, I address your lordships particularly on the three notes of admiration, because they formed a prominent ground in your lordship's learned argument, when you decided that the passage was a libel per se. Yes, gentlemen, admire again, I pray you, the solidity and brilliancy of our law, in which three marks of admiration are of wonderful efficacy in sending a man to prison. But with the exception of the note of eight and a half lines, the book has borne the severest criticism of fact and of law. It has defied, and continues to defy, the present Attorney-General and his well-assorted juries; and, as to the note which he indicted, it contained only a remark on the execution of a man who, whether innocent or guilty, was tried in such a manner, that a gentleman of the Irish bar, his counsel, threw up his brief in disgust; and when the judge who presided at the trial ordered the counsel to remain and defend Barry, that counsel swore, in this court, that he rejected the judge's mandate with contempt.

What a mighty triumph was the conviction proved against this note on Barry's case! And may one be permitted mournfully to ask, whether the indignation, which might have produced indiscretion in speaking of Barry's fate, was a very culpable quality in a feeling mind, prone to detest the horrors with which human blood is sometimes shed under the forms and mockery of trial? But that conviction, although it will erase the note, will not stay the demand which an intelligent public make for this valuable work. Already have two valuable editions of it been sold, and a third edition is loudly called for, and about to appear.

What, in the meantime, has been the fate of the answers? I see two booksellers amongst you; they will tell you that the answers are recollected only by the loss they have produced to them, and by the cumbering of their shelves. Such is the

result of the loyal triumph of his Grace the Duke of Richmond's administration. May such in every age be the fruits of every prosecutor of free discussion, and of the assertion of political truth!

I have followed the Attorney-General through his discussion upon Walter Cox, and "The Statement of the Penal Laws," without being able exactly to conjecture his motives for introducing them. As to Cox, it appears to be the mere gratification of his delight at the misery to which that unfortunate man is reduced. As to "the book," I can only conjecture that his wish is to insinuate to you that the author of "the book" and of this publication is the same. If that were his design, it may be enough to say, that he has not proved the fact, and, therefore, in fairness, it ought not at all to influence your decision. I go further and tell him, that the fact is not so; that the author is a different person; that the writer of this alleged libel is a Protestant—a man of fortune—a man of that rank and estimation, that even the Attorney-General, were I to announce his name, which my client will never do, or suffer his advocate to do, that name would extort respect, even from the Attorney-General himself.

He has, in his usual fashion, calumniated the spirit and object of "The Statement of the Penal Laws." He says it imputes murder and every other crime to persons in high stations, as resulting from their being Protestants. He says that it attributes to the Lord Lieutenant the committing murder on a Catholic, because he himself is a Protestant. Gentlemen, I wish you had read that book; if you did, it would be quite unnecessary for me to contradict those assertions of the Attorney-General. In fact, there never were assertions more unfounded: that book contains nothing that could warrant his description of it; on the contrary, the book seeks to establish this position, that the grievances which the Irish Catholics suffer, are not attributable to the Protestant religion—that they are repugnant to the spirit of that religion, and are attributable, simply and singly, to the spirit of monopoly, and tone of superiority, generated and fostered by the system of exclusion, upon which the Penal Code rests.

The author of that book is confessedly a Catholic; yet the

book states, and the Attorney-General heard the passage twice read in this court, that "if Roman Catholics were placed, by unjust laws, in the situation in which the Irish Protestants now are placed, they would oppress and exclude precisely as the Protestants now do." In short, his statement and reasonings are founded on this, that it is unjust to give any religion exclusive political advantages; because, whatever that religion may be, the result will necessarily prove oppressive and insulting towards the less favored sect. He argues not exclusively against any particular religion, but from natural causes operating on human beings. His book may be a libel on human nature, but it is no more a libel on the Protestant than on the Catholic religion. It draws no other inference than this, that Catholics and Protestants, under similar circumstances, would act precisely in the same way.

Having followed the prosecutor through this weary digression, I return to the next sentence of this publication. Yet I cannot—I must detain you still a little longer from it, whilst I supplicate your honest indignation, if in your resentments there be aught of honesty, against the mode in which the Attorney-General has introduced the name of our aged and afflicted sovereign. He says, this is a libel on the king, because it imputes to him a selection of improper and criminal chief governors. Gentlemen, this is the very acme of servile doctrine. It is the most unconstitutional doctrine that could be uttered: it supposes that the sovereign is responsible for the acts of his servants, whilst the constitution declares that the king can do no wrong, and that even for his personal acts, his servants shall be personally responsible. Thus, the Attorney-General reverses for you the constitution in theory; and, in point of fact, where can be found, in this publication, any, even the slightest allusion to his Majesty? The theory is against the Attorney-General, and yet, contrary to the fact, and against the theory, he seeks to enlist another prejudice of yours against Mr. Magee.

Prejudice did I call it? oh, no! it is no prejudice; that sentiment which combines respect with affection for my aged sovereign, suffering under a calamity with which heaven has willed to visit him, but which is not due to any default of his.

There never was a sentiment that I should wish to see more cherished—more honored. To you the king may appear an object of respect; to his Catholic subjects he is one of veneration; to them he has been a bountiful benefactor. To the utter disregard of your aldermen of Skinner's Alley, and the more pompous magnates of William street, his Majesty procured, at his earnest solicitation from parliament, the restoration of much of our liberties. He disregarded your anti-Popery petitions. He treated with calm indifference the ebullitions of your bigotry; and I owe to him that I have the honor of standing in the proud situation from which I am able, if not to protect my client, at least to pour the indignant torrent of my discourse against his enemies, and those of his country.

The publication to which I now recall you, goes to describe the effects of the facts which I have shown you to have been drawn from the undisputed and authentic history of former times. I have, I hope, convinced you, that neither Leland nor Hume could have been indicted for stating those facts, and it would be a very strange perversion of principle, which would allow you to convict Mr. Magee for that which has been stated by other writers, not only without punishment, but with applause.

That part of the paragraph which relates to the present day is in these words:

"Since that period the complexion of the times has changed—the country has advanced—it has outgrown submission, and some forms, at least, must now be observed towards the people."

The system, however, is still the same; it is the old play with new decorations, presented in an age somewhat more enlightened; the principle of government remains unaltered—a principle of exclusion which debars the majority of the people from the enjoyment of those privileges that are possessed by the minority, and which must, therefore, maintain itself by all those measures necessary for a government founded on injustice.

The prosecutor insists that this is the most libellous part of the entire publication. I am glad he does so; because if

there be amongst you a single particle of discrimination, you cannot fail to perceive that this is not a libel—that this paragraph cannot constitute any crime. It states that the present is a system of exclusion. Surely, it is no crime to say so; it is what you all say. It is what the Attorney-General himself gloried in. This is, said he, exclusively a Protestant government. Mr. Magee and he are agreed. Mr. Magee adds, that a principle of exclusion, on account of religion, is founded on injustice. Gentlemen, if a Protestant were to be excluded from any temporal advantages upon the score of his religion, would not you say that the principle upon which he was excluded was unjust? That is precisely what Mr. Magee says; for the principle which excludes the Catholic in Ireland, would exclude the Protestant in Spain and in Portugal, and there you clearly admit its injustice. So that, really, you would condemn yourselves, and your own opinions, and the right to be a Protestant in Spain and Portugal, if you condemn this sentiment.

But I would have you further observe that this is no more than the discussion of an abstract principle of government; it arraigns not the conduct of any individual, or of any administration; it only discusses and decides upon the moral fitness of a certain theory, on which the management of the affairs of Ireland has been conducted. If this be a crime, we are all criminals; for this question, whether it be just or not to exclude from power and office a class of the people for religion, is the subject of daily—of hourly discussion. The Attorney-General says it is quite just; I proclaim it to be unjust—obviously unjust. At all public meetings, in all private companies, this point is decided in different ways, according to the temper and the interest of individuals. Indeed, it is but too much the topic of every man's discourse; and the jails and the barracks of the country would not contain the hundredth part of those whom the Attorney-General would have to crowd into them, if it be penal to call the principle of exclusion unjust. In this court, without the least danger of interruption or reproof, I proclaim the injustice of that principle.

I will then ask whether it be lawful to print that which it is not unlawful to proclaim in the face of a court of justice? And

above all, I will ask whether it can be criminal to discuss the abstract principles of government? Is the theory of the law a prohibited subject? I had understood that there was no right so clear and undoubted as that of discussing abstract and theoretic principles, and their applicability to practicable purposes. For the first time do I hear this disputed; and now see what it is the Attorney-General prohibits. He insists upon punishing Mr. Magee; first, because he accuses his administration of "errors;" secondly, because he charges them with not being distinguished for "talents;" thirdly, because he cannot discover their "striking features;" and fourthly, because he discusses an "abstract principle!"

This is quite intelligible—this is quite tangible. I begin to understand what the Attorney-General means by the liberty of the Press; it means a prohibition of printing anything except praise, respecting "the errors, the talents, or the striking features" of any administration, and of discussing any abstract principle of government. Thus the forbidden subjects are errors, talents, striking features, and principles. Neither the theory of the government nor its practices are to be discussed; you may, indeed, praise them; you may call the Attorney-General "the best and wisest of men;" you may call his lordship the most learned and impartial of all possible chief justices; you may, if you have powers of visage sufficient, call the Lord Lieutenant the best of all imaginable governors. That, gentlemen, is the boasted liberty of the press—the liberty that exists in Constantinople—the liberty of applying the most fulsome and unfounded flattery, but not one word of censure or reproof.

Here is an idol worthy of the veneration of the Attorney-General. Yes; he talked of his veneration for the liberty of the press; he also talked of its being a protection to the people against the government. Protection! not against errors—not against the want of talents or striking features—nor against the effort of any unjust principle—protection! against what is it to protect? Did he not mock you? Did he not plainly and palpably delude you, when he talked of the protection of the press? Yes. To his inconsistencies and contradictions he calls on you to sacrifice your consciences; and be-

cause you are no-Popery men, and distributers of Bibles, and aldermen of Skinner's Alley, and Protestant petitioners, he requires of you to brand your souls with perjury. You cannot escape it; it is, it must be perjury to find a verdict for a man who gravely admits that the liberty of the press is recognized by law, and that it is a venerable object, and yet calls for your verdict upon the ground that there is no such thing in existence as that which he has admitted, that the law recognizes, and that he himself venerates.

Clinging to the fond but faint hope that you are not capable of sanctioning, by your oaths, so monstrous an inconsistency, I lead you to the next sentence upon this record.

"Although his Grace does not appear to know what are the qualities necessary for a judge in Canada, or for an aid-de-camp in waiting at a court, he surely cannot be ignorant of what are requisites for a lord lieutenant."

This appears to be a very innocent sentence; yet the Attorney-General, the venerator of that protection of the people against a bad government—the liberty of the press—tells you that it is a gross libel to impute so much ignorance to his Grace. As to the aid-de-camp, gentlemen, whether he be selected for the brilliancy of his spurs, the polish of his boots, or the precise angle of his cocked hat, are grave considerations which I refer to you. Decide upon these atrocities, I pray you. But as to the judge in Canada, it cannot be any reproach to his Grace to be ignorant of his qualifications. The old French law prevails in Canada, and there is not a lawyer at the Irish bar, except, perhaps, the Attorney-General, who is sufficiently acquainted with that law to know how far any man may be fit for the station of judge in Canada.

If this be an ignorance without reproach in Irish lawyers, and if there be any reproach in it, I feel it not, whilst I avow that ignorance—yet, surely it is absurd to torture it into a calumny against the Lord Lieutenant—a military man, and no lawyer. I doubt whether it would be a libel if my client had said, that his Grace was ignorant of the qualities necessary for a judge in Ireland—for a chief judge, my lord. He has not said so, however, gentlemen, and true or false, that is not

now the question under consideration. We are in Canada at present, gentlemen, in a ludicrous search for a libel in a sentence of no great point or meaning. If you are sapient enough to suspect that it contains a libel, your doubt can only arise from not comprehending it; and that, I own, is a doubt difficult to remove. But I mock you when I talk of this insignificant sentence.

I shall read the next paragraph at full length. It is connected with the Canadian sentence:

"Therefore, were an appeal to be made to him in a dispassionate and sober moment, we might candidly confess that the Irish would not be disappointed in their hopes of a successor, though they would behold the same smiles, experience the same sincerity, and witness the same disposition towards conciliation.

"What, though they were deceived in 1795, and found the mildness of a Fitzwilliam a false omen of concord; though they were duped in 1800, and found that the privileges of the Catholics did not follow the extinction of the parliament, yet, at his departure, he will, no doubt, state good grounds for future expectation; that his administration was not the time for Emancipation, but that the season is fast approaching; that there were 'existing circumstances,' but that now the people may rely upon the virtues even of an hereditary Prince; that they should continue to worship the false idol; that their cries must, at least, be heard; and that, if he has not complied, it is only because he has not spoken. In short, his Grace will in no way vary from the uniform conduct observed by most of his predecessors, first preaching to the confidence of the people, then playing upon their credulity.

"He came over ignorant—he soon became prejudiced, and then he became intemperate. He takes from the people their money; he eats of their bread, and drinks of their wine; in return, he gives them a bad government, and, at his departure, leaves them more distracted than ever. His Grace commenced his reign by flattery, he continued it in folly, he accompanied it with violence, and he will conclude it with falsehood."

There is one part of this sentence, for which I most respectfully solicit your indulgence and pardon. Be not exasperated with us for talking of the mildness of Lord Fitzwilliam, or of his administration. But, notwithstanding the violence any praise of him has excited amongst you, come dispassionately, I pray you, to the consideration of the paragraph. Let us abstract the meaning of it from the superfluous words. It cer-

tainly does tell you, that his Grace came over ignorant of Irish affairs, and he acquired prejudices upon those subjects, and he has become intemperate. Let us discuss this part separately from the other matter suggested by the paragraph in question. That the Duke of Richmond came over to Ireland ignorant of the details of our domestic policy cannot be matter either of surprise or of any reproach. A military man engaged in these pursuits which otherwise occupy persons of his rank, altogether unconnected with Ireland, he could not have had any inducement to make himself acquainted with the details of our barbarous wrongs, of our senseless party quarrels, and criminal feuds; he was not stimulated to examine them by any interest, nor could any man be attracted to study them by taste. It is, therefore, no censure to talk of his ignorance—of that with which it would be absurd to expect that he should be acquainted; and the knowledge of which would neither have served, nor exalted, nor amused him.

Then, gentlemen, it is said he became "prejudiced." Prejudiced may sound harsh in your ears; but you are not, at least you ought not, to decide upon the sound—it is the sense of the word that should determine you. Now what is the sense of the word "prejudice" here? It means the having adopted precisely the opinions which every one of you entertain. By "prejudice" the writer means, and can mean, nothing but such sentiments as you cherish. When he talks of prejudice, he intends to convey the idea that the Duke took up the opinion, that the few ought to govern the many in Ireland; that there ought to be a favored and an excluded class in Ireland; that the burdens of the state ought to be shared equally, but its benefits conferred on a few. Such are the ideas conveyed by the word prejudice; and I fearlessly ask you, is it a crime to impute to his Grace these notions which you yourselves entertain? Is he calumniated—is he libelled, when he is charged with concurring with you, gentlemen of the jury? Will you, by a verdict of conviction, stamp your own political sentiments with the seal of reprobation? If you convict my client, you do this: you decide that it is a libel to charge any man with those doctrines which are so useful to you individually, and of which you boast; or, you think the opinions just, and yet

that it is criminal to charge a man with those just opinions. For the sake, therefore, of consistency, and as an approval of your own opinions, I call on you for a verdict of acquittal.

I need not detain you long on the expression "intemperate;" it does not mean any charge of excess of indulgence in any enjoyment; it is not, as the Attorney-General suggested, an accusation of indulging beyond due bounds in the pleasures of the table, or of the bottle; it does not allude, as the Attorney-General says, to midnight orgies, or to morning revels. I admit—I freely admit—that an allusion of that kind would savor of libel, as it would certainly be unnecessary for any purpose of political discussion. But the intemperance here spoken of is mere political intemperance; it is that violence which every man of a fervid disposition feels in support of his political opinions. Nay, the more pure and honest any man may be in the adoption of his opinions, the more likely, and the more justifiable will he be in that ardent support of them, which goes by the name of intemperance.

In short, although political intemperance cannot be deemed by cold calculators as a virtue, yet it has its source in the purest virtues of the human heart, and it frequently produces the greatest advantages to the public. How would it be possible to overcome the many obstacles which self-interest, and ignorance, and passion throw in the way of improvement, without some of that ardor of temper and disposition which grave men call intemperance? And, gentlemen, are not your opinions as deserving of warm support as the opinion of other men; or do you feel any inherent depravity in the political sentiments which the Duke of Richmond has adopted from you, that would render him depraved or degraded by any violence in their support? You have no alternative. If you convict my client, you condemn, upon your oaths, your own political creed; and declare it to be a libel to charge any man with energy in your cause.

If you are not disposed to go this length of political inconsistency, and if you have determined to avoid the religious inconsistency of perjuring yourselves for the good and glory of the Protestant religion, do, I pray you, examine the rest of this paragraph, and see whether you can, by any inge-

nuity, detect that nondescript, a libel, in it. It states in substance this: that this administration, treading in the steps of former administrations, preached to the confidence of the people, and played on their credulity; and that it will end, as those administrations have done, in some flattering prophecy, paying present disappointment with the coinage of delusive hope. That this administration commenced, as usual, with preaching to the confidence of the people, was neither criminal in the fact, nor can it be unpleasant in the recital.

It is the immemorial usage of all administrations and of all stations, to commence with those civil professions of future excellence of conduct which are called, and not unaptly, "preaching to the confidence of the people." The very actors are generally sincere at this stage of the political farce; and it is not insinuated that this administration was not as candid on this subject as the best of its predecessors. The playing on the credulity of the people is the ordinary state trick. You recollect how angry many of you were with his Grace for his Munster tour, shortly after his arrival here. You recollect how he checked the Mayor of Cork for proposing the new favorite Orange toast; what liberality he displayed to Popish traders and bankers in Limerick; and how he returned to the capital, leaving behind him the impression that the no-Popery men had been mistaken in their choice, and that the Duke of Richmond was the enemy of every bigotry—the friend to every liberality! Was he sincere, gentlemen of the jury, or was this one of those innocent devices which are called—playing on the people's credulity? Was he sincere? Ask his subsequent conduct. Have there been since that time any other or different toasts cheered in his presence? Has the name of Ireland and of Irishmen been profaned by becoming the sport of the warmth excited by the accompaniment to these toasts? Some individuals of you could inform me. I see another dignitary of your corporation here [said Mr. O'Connell, turning round pointedly to the lord mayor]—I see a civic dignitary here, who could tell of the toasts of these days or nights, and would not be at a loss to apply the right name—if he were not too prudent as well as too polite to do so—to that innocent affectation of lib-

erality which distinguished his Grace's visit to the south of Ireland. It was, indeed, a play upon our credulity, but it can be no libel to speak of it as such; for see the situation in which you would place his Grace; you know he affected conciliation and perfect neutrality between our parties at first; you know he has since taken a marked and decided part with you.

Surely you are not disposed to call this a crime, as it were, to convict his Grace of duplicity, and of a vile hypocrisy. No, gentlemen, I entreat of you not to calumniate the Duke; call this conduct a mere play on the credulity of a people easily deceived—innocent in its intention, and equally void of guilt in its description. Do not attach to those words a meaning which would prove that you yourselves condemned, not so much the writer of them, as the man who gave color and countenance to this assertion. Besides, gentlemen, what is your liberty of the press worth, if it be worthy of a dungeon to assert that the public credulity has been played upon? The liberty of the press would be less than a dream, a shadow, if every such phrase be a libel.

But the Attorney-General triumphantly tells you that there must be a libel in this paragraph, because it ends with a charge of falsehood. May I ask you to take the entire paragraph together? Common sense and your duty require you to do so. You will then perceive that this charge of falsehood is no more than an opinion, that the administration of the Duke of Richmond will terminate precisely as that of many of his predecessors has done, by an excuse for the past—a flattering and fallacious promise for the future. Why, you must all of you have seen, a short time since, an account of a public dinner in London, given by persons styling themselves "Friends to Religious Liberty." At that dinner, at which two of the Royal Dukes attended, there were, I think, no less than four or five noblemen who had filled the office of lord lieutenant of Ireland. Gentlemen, at this dinner, they were ardent in their professions of kindness towards the Catholics of Ireland, in their declarations of the obvious policy and justice of conciliation and concession, and they bore ample testimony to our sufferings and our merits. But I appeal from their present declarations to their past conduct; they are now

full of liberality and justice to us; yet, I speak only the truth of history, when I say that, during their government of this country, no practical benefits resulted from all this wisdom and kindness of sentiment; with the single exception of Lord Fitzwilliam, not one of them even attempted to do any good to the Catholics, or to Ireland.

What did the Duke of Bedford do for us? Just nothing. Some civility, indeed, in words—some playing on public credulity—but in act and deed, nothing at all. What did Lord Hardwicke do for us? Oh, nothing, or rather less than nothing; his administration here was, in that respect, a kind of negative quality; it was cold, harsh, and forbidding to the Catholics; lenient, mild, and encouraging to the Orange faction; the public mind lay in the first torpor caused by the mighty fall of the Union, and whilst we lay entranced in the oblivious pool, Lord Hardwicke's administration proceeded without a trace of that justice and liberality which it appears he must have thought unbefitting the season of his government, and which, if he then entertained, he certainly concealed; he ended, however, with giving us flattering hopes for the future. The Duke of Bedford was more explicit; he promised in direct terms, and drew upon the future exertions of an hereditary prince, to compensate us for present disappointment. And will any man assert that the Duke of Richmond is libelled by a comparison with Lord Hardwicke; that he is traduced when he is compared with the Duke of Bedford? If the words actually were these: "The Duke of Richmond will terminate his administration exactly as Lord Hardwicke and the Duke of Bedford terminated their administrations;" if those were the words, none of you could possibly vote for a conviction, and yet the meaning is precisely the same. No more is expressed by the language of my client; and, if the meaning be thus clearly innocent, it would be strange, indeed, to call on you for a verdict of conviction upon no more solid ground than this, that whilst the signification was the same, the words were different. And thus, again, does the prosecutor require of you to separate the sense from the sound, and to convict for the sound, against the sense of the passage.

In plain truth, gentlemen, if there be a harshness in the sound, there is none in the words. The writer describes, and means to describe, the ordinary termination of every administration repaying in promise the defaults of performance. And, when he speaks of falsehood, he prophecies merely as to the probable or at least possible conclusion of the present government. He does not impute to any precedent assertion, falsehood; but he does predict, that the concluding promise of this, as of other administrations, depending as those promises always do upon other persons for performance, will remain as former promises have remained—unfulfilled and unperformed. And is this prophecy—this prediction a crime? Is it a libel to prophecy? See what topics this sage venerator of the liberty of the press, the Attorney-General, would fain prohibit? First, he tells you, that the crimes of the predecessors of the Duke must not be mentioned—and thus he forbids the history of past events. Secondly, he informs you, that no allusion is to be made to the errors, follies, or even the striking features of the present governors; and thus he forbids the detail of the occurrences of the present day. And, thirdly, he declares that no conjecture shall be made upon what is likely to occur hereafter; and thus he forbids all attempts to anticipate future acts.

It comes simply to this; he talks of venerating the liberties of the press, and yet he restrains that press from discussing past history, present story, and future probabilities; he prohibits the past, the present, and the future; ancient records, modern truth, and prophecy, are all within the capacious range of his punishments. Is there anything else? Would this venerator of the liberty of the press go further? Yes, gentlemen, having forbidden all matter of history past and present, and all prediction of the future, he generously throws in abstract principles, and, as he has told you, that his prisons shall contain every person who speaks of what was, or what is, or what will be, he likewise consigned to the same fate every person who treats of the theory or principles of government; and yet he dares to talk of the liberty of the press! Can you be his dupes? Will you be his victims? Where is the conscience—where is the indignant spirit of insulted reason

amongst you? Has party feeling extinguished in your breasts every glow of virtue—every spark of manhood?

If there be any warmth about you—if you are not clay-cold to all but party feeling, I would, with the air and in the tone of triumph, call you to the consideration of the remaining paragraph which has been spread on the lengthened indictment before you. I divide it into two branches, and shall do no more with the one than to repeat it. I have read it for you already; I must read it again:

"Had he remained what he first came over, or what he afterwards professed to be, he would have retained his reputation for honest, open hostility, defending his political principles with firmness, perhaps with warmth, but without rancor; the supporter and not the tool of an administration; a mistaken politician, perhaps, but an honorable man, and a respectable soldier."

Would to God I had to address another jury! Would to God I had reason and judgment to address, and I could entertain no apprehension from passion or prejudice! Here should I then take my stand, and require of that unprejudiced jury, whether this sentence does not demonstrate the complete absence of private malice or personal hostility. Does not this sentence prove a kindly disposition towards the individual, mixing and mingling with that discussion which freedom sanctions and requires, respecting his political conduct? Contrast this sentence with the prosecutor's accusation of private malignity, and decide between Mr. Magee and his calumniators. He, at least, has this advantage, that your verdict cannot alter the nature of things; and that the public must see and feel this truth, that the present prosecution is directed against the discussion of the conduct towards the public, of men confided with public authority; that this is a direct attack upon the right to call the attention of the people to the management of the people's affairs, and that, by your verdict of conviction, it is intended to leave no peaceful or unawed mode of redress for the wrongs and sufferings of the people.

But I will not detain you on these obvious topics. We draw to a close, and I hurry to it. This sentence is said to be particularly libellous:

"His party would have been proud of him; his friends would have praised (they need not have flattered him), and his enemies, though they might have regretted, must have respected his conduct; from the worst quarter there would have been some small tribute of praise; from none any great portion of censure; and his administration, though not popular, would have been conducted with dignity, and without offence. This line of conduct he has taken care to avoid: his original character for moderation he has forfeited; he can lay no claims to any merits for neutrality, nor does he even deserve the cheerless credit of defensive operations. He has begun to act; he has ceased to be a dispassionate chief governor, who views the wickedness and the folly of faction with composure and forbearance, and stands, the representative of majesty, aloof from the contest. He descends; he mixes with the throng; he becomes personally engaged, and, having lost his temper, calls forth his private passions to support his public principles; he is no longer an indifferent viceroy, but a frightful partisan of an English ministry, whose base passions he indulges—whose unworthy resentments he gratifies, and on whose behalf he at present canvasses."

Well, gentlemen, and did he not canvass on behalf of the ministry? Was there a titled or untitled servant of the Castle who was not despatched to the south to vote against the popular, and for the ministerial candidates? Was there a single individual within the reach of his Grace that did not vote against Prittie and Matthew, in Tipperary, and against Hutchinson, in Cork? I have brought with me some of the newspapers of the day, in which this partisanship in the Lord Lieutenant is treated by Mr. Hutchinson in language so strong and so pointed, that the words of this publication are mildness and softness itself, when compared with that language. I shall not read them for you, because I should fear that you may imagine I unnecessarily identified my client with the violent but the merited reprobation poured upon the scandalous interference of our government with those elections.

I need not, I am sure, tell you that any interference by the Lord Lieutenant with the purity of the election of members to serve in Parliament, is highly unconstitutional, and highly criminal; he is doubly bound to the most strict neutrality; first, as a peer, the law prohibits his interference; secondly, as a representative of the crown, his interference in elections is an usurpation of the people's rights; it is, in substance and effect, high treason against the people, and its mischiefs are

not the less by reason of there being no punishment affixed by the law to this treason.

If this offence, gentlemen, be of daily occurrence—if it be frequently committed, it is upon that account only the more destructive to our liberties, and, therefore, requires the more loud, direct, and frequent condemnation: indeed, if such practices be permitted to prevail, there is an end of every remnant of freedom; our boasted constitution becomes a mockery and an object of ridicule, and we ought to desire the manly simplicity of unmixed despotism. Will the Attorney-General—will his colleague, the Solicitor-General, deny that I have described this offence in its true colors? Will they attempt to deny the interference of the Duke of Richmond in the late elections? I would almost venture to put your verdict upon this, and to consent to a conviction, if any person shall be found so stocked with audacity, as to presume publicly to deny the interference of his Grace in the late elections, and his partisanship in favor of the ministerial candidates. Gentlemen, if that be denied, what will you, what can you think of the veracity of the man who denies it? I fearlessly refer the fact to you; on that fact I build. This interference is as notorious as the sun at noonday; and who shall venture to deny that such interference is described by a soft term when it is called partisanship? He who uses the influence of the executive to control the choice of the representatives of the people, violates the first principles of the constitution, is guilty of political sacrilege, and profanes the very sanctuary of the people's rights and liberties; and if he should not be called a partisan, it is only because some harsher and more appropriate term ought to be applied to his delinquency.

I will recall to your minds an instance of violation of the constitution, which will illustrate the situation of my client, and the protection which, for your own sakes, you owe him. When, in 1687, King James removed several Protestant rectors in Ireland from their churches, against law and justice, and illegally and unconstitutionally placed Roman Catholic clergymen in their stead, would any of you be content that he should be simply called a partisan! No, gentlemen, my client

and I—Catholic and Protestant though we be—agree perfectly in this, that partisan would have been too mild a name for him, and that he should have been branded as a violator of law, as an enemy to the constitution, and as a crafty tyrant who sought to gratify the prejudices of one part of his subjects that he might trample upon the liberties of all. And what, I would fain learn, could you think of the Attorney-General who prosecuted, or of the judge who condemned, or of the jury who convicted a printer for publishing to the world this tyranny—this gross violation of law and justice? But how would your indignation be roused, if James had been only called a partisan, and for calling him a partisan a Popish jury had been packed, a Popish judge had been selected, and that the printer, who, you will admit, deserved applause and reward, met condemnation and punishment.

Of you—of you, shall this story be told, if you convict Mr. Magee. The Duke has interfered in elections; he has violated the liberties of the subject; he has profaned the very temple of the constitution; and he, who has said that in so doing, he was a partisan, from your hands expects punishment.

Compare the kindred offences; James deprived the Protestant rectors of their livings; he did not persecute, nor did he interfere with their religion; for tithes, and oblations, and glebes, and church lands, though solid appendages to any church, are no part of the Protestant religion. The Protestant religion would, I presume—and for the honor of human nature I sincerely hope—continue its influence over the human mind without the aid of those extrinsic advantages. Its pastors would, I trust and believe, have remained true to their charge, without the adventitious benefits of temporal rewards; and, like the Roman Catholic Church, it might have shone forth a glorious example of firmness in religion, setting persecution at defiance. James did not attack the Protestant religion; I repeat it; he only attacked the revenues of the Protestant church; he violated the law and the constitution, in depriving men of that property, by his individual authority, to which they had precisely the same right with that by which he wore his crown. But is not the controlling the election of members of parliament a more dangerous violation of the con-

stitution? Does it not corrupt the very sources of legislation, and convert the guardians of the state into its plunderers? The one was a direct and undisguised crime, capable of being redressed in the ordinary course of the law, and producing resistance by its open and plain violation of right and of law; the other disguises itself in so many shapes, is patronized by so many high examples, and is followed by such perfect security, that it becomes the first duty of every man who possesses any reverence for the constitution, or any attachment to liberty, to lend all his efforts to detect, and, if possible, to punish it.

To any man who loved the constitution or freedom, I could safely appeal for my client's vindication; or if any displeasure could be excited in the mind of such a man, it would arise because of the forbearance and lenity of this publication. But the Duke is called a frightful partisan. Granted, gentlemen, granted. And is not the interference I have mentioned frightful? Is it not terrific? Who can contemplate it without shuddering at the consequences which it is likely to produce? What gentler phrase—what lady-like expression should my client use? The constitution is sought to be violated, and he calls the author of that violation a frightful partisan. Really, gentlemen, the fastidiousness which would reject this expression would be better employed in preventing or punishing crime, than in dragging to a dungeon the man who has the manliness to adhere to truth, and to use it. Recollect also—I cannot repeat it too often—that the Attorney-General told you, that "the liberty of the press was the best protection of the people against the government." Now, if the constitution be violated—if the purity of election be disturbed by the executive, is not this precisely the case when this protection becomes necessary? It is not wanted, nor can the press be called a protector, so long as the government is administered with fidelity, care, and skill. The protection of the press is requisite only when integrity, diligence, or judgment do not belong to the administration; and that protection becomes the more necessary in the exact proportion in which these qualities are deficient. But, what protection can it afford if you convict in this instance? For, by doing so, you will decide that nothing

ought to be said against that want of honesty, or of attention, or of understanding; the more necessary will the protection of the press become, the more unsafe will it be to publish the truth; and in the exact proportion in which the press might be useful, will it become liable to punishment. In short, according to the Attorney-General's doctrine, when the press is "best employed and wanted most," it will be most dangerous to use it. And thus, the more corrupt and profligate any administration may be, the more clearly can the public prosecutor ascertain the sacrifice of his selected victim. And call you this protection? Is this a protector who must be disarmed the moment danger threatens, and is bound a prisoner the instant the fight has commenced?

Here I should close the case—here I should shortly recapitulate my client's defence, and leave him to your consideration; but I have been already too tedious, and shall do no more than recall to your recollection the purity, the integrity, the entire disinterestedness of Mr. Magee's motives. If money were his object, he could easily procure himself to be patronized and salaried; but he prefers to be persecuted and discountenanced by the great and powerful, because they cannot deprive him of the certain expectation, that his exertions are useful to his long-suffering, ill-requited country.

He is disinterested, gentlemen; he is honest; the Attorney-General admitted it, and actually took the trouble of administering to him advice how to amend his fortune, and save his person. But the advice only made his youthful blood mantle in that ingenuous countenance, and his reply was painted in the indignant look, that told the Attorney-General he might offer wealth, but he could not bribe—that he might torture, but he could not terrify! Yes, gentlemen, firm in his honesty, and strong in the fervor of his love of Ireland, he fearlessly awaits your verdict, convinced that even you must respect the man whom you are called upon to condemn. Look to it, gentlemen; consider whether an honest, disinterested man shall be prohibited from discussing public affairs; consider whether all but flattery is to be silent—whether the discussion of the errors and the capacities of the ministers is to be closed forever. Whether we are to be silent as to the crimes of former

periods—the follies of the present, and the credulity of the future; and, above all, reflect upon the demand that is made on you to punish the canvassing of abstract principles.

Has the Attorney-General succeeded? Has he procured a jury so fitted to his object, as to be ready to bury in oblivion every fault and every crime, every error and every imperfection of public men, past, present, and future—and who shall, in addition, silence any dissertation on the theory or principle of legislation? Do, gentlemen, go this length with the prosecutor, and then venture on your oaths. I charge you to venture to talk to your families of the venerable liberty of the press—the protection of the people against the vices of the government.

I should conclude, but the Attorney-General compels me to follow him through another subject; he has told you, and told you truly, that besides the matter set out in the indictment—the entire of which, gentlemen, we have already gone through—this publication contains severe strictures upon the alleged indelicacy in the Chief Justice issuing a ministerial warrant, in a case which was afterwards to come before him judicially, and upon the manner in which the jury was attempted to be put together in Doctor Sheridan's case, and in which a jury was better arranged in the case of Mr. Kirwan. Indeed, the Attorney-General seemed much delighted with these topics; he again burst out into an enraptured encomium upon himself; and, as it were inspired by his subject, he rose to the dignity of a classical quotation, when he exclaimed: "Me, me, adsum, qui feci." He forgot to add the still more appropriate remainder of the sentence, "mea fraus omnis!'

"Yes, gentlemen, he has avowed with more manliness than discretion, that he was the contriver of all those measures. With respect to the warrant which his lordship issued in the stead of the ordinary justices of the peace, and upon a charge not amounting to any breach of the peace, I shall say nothing at present. An obvious delicacy restrains me from entering upon that subject; and as the interest of my client does not counteract that delicacy, I shall refrain. But I would not have it understood that I have formed no opinion on the subject. Yes, I have formed an opinion, and a strong and decided

opinion, which I am ready to support as a lawyer and a man, but the expression of which I now sacrifice to a plain delicacy. But I must say, that the Attorney-General has thrown new light on this business; he has given us information we did not possess before. I did not before know that the warrant was sought for and procured by the Attorney-General; I thought it was the spontaneous act of his lordship, and not in consequence of any private solicitation from the Attorney-General. In this respect, he has set me right—it is a fact of considerable value, and although the consequences to be deduced from it are not pleasing to any man, loving, as I do, the purity of justice, yet, I most heartily thank the Attorney-General for the fact—the important fact.

His second avowal relates to Dr. Sheridan. It really is comfortable to know how much of the indecent scene exhibited upon his trial belonged to the Attorney-General. He candidly tells us, that the obtrusion of the police magistrate, Sirr, as an assistant to the Crown-Solicitor, was the act of the king's Attorney-General. "Adsum qui feci," said he. Thus he avows that he procured an Orangeman—I do not exactly understand what is meant by an Orangeman—some of you could easily tell me—that he caused this Orangeman to stand in open court, next to the Solicitor for the Crown, with his written paper, suggesting who were fit jurors for his purpose, and who should be put by. Gentlemen, he avows that this profligate scene was acted in the open court, by his directions. It was by the Attorney-General's special directions, then, that such men as John Lindsay, of Sackville street, and John Roche, of Strand street, were set aside; the latter, because, though amongst the most wealthy and respectable merchants in your city, he is a Papist; and the other, because, although a Protestant, he is tainted with liberality—the only offence, public or private, that could be attributed to him. Yes, such men as these were set aside by the Attorney-General's aid-de-camp, the salaried justice of the police office.

The next avowal is also precious. This publication contains also a commentary on the Castle-list jury that convicted Mr. Kirwan, and the Attorney-General has also avowed his share in that transaction; he thus supplies the only link we wanted

in our chain of evidence, when we challenged the array upon that trial. If we could have proved that which the Attorney-General with his "adsum qui feci," yesterday admitted, we should have succeeded and got rid of that panel. Even now, it is delightful to understand the entire machinery, and one now sees at once the reason why Sir Charles Saxton was not examined on the part of the crown, in reply to the case we made. He would, you now plainly see, have traced the arrangement to the Attorney-General, and the array must have been quashed. Thus in the boasting humor of this Attorney-General, he has brought home to himself personally, that which we attributed to him only in his official capacity, and he has convicted the man of that which we charged only upon the office.

He has, he must have a motive for this avowal; if he had not an adequate object in view, he would not have thus unnecessarily and wantonly taken upon himself all the reproach of those transactions. He would not have boasted of having, out of court, solicited an extra-judicial opinion, in the form of a warrant from his lordship; he would not have gloried in employing an Orangeman from the police office to assist him in open court, with instructions in writing how to pack his jury; still less would he have suffered it to be believed that he was a party at the Castle, with the Acting Secretary of State, to the arrangement of the jury that was afterwards to try a person prosecuted by the state.

He would not have made this, I must say, disgraceful avowal, unless he were influenced by an adequate motive. I can easily tell you what that motive was. He knew your prejudices—he knew your antipathy—alas! your interested antipathy—to the Catholics, and, therefore, in order to induce you to convict a Protestant of a libel for a publication, innocent, if not useful in itself, in order to procure that conviction from your party feelings and your prejudices, which he despaired of obtaining from your judgments, he vaunts himself to you as the mighty destroyer of the hopes of Popish petitioners—as a man capable of every act within, as without the profession, to prevent or impede any relief to the Papists. In short, he wishes to show himself to you as an active partisan at your side; and upon

those merits he who knows you best, claims your verdict—a verdict which must be given in on your oaths, and attested by and in the name of the God of all Christians.

For my part I frankly avow that I shudder at these scenes; I cannot, without horror, view this interfering and intermeddling with judges and juries, and my abhorrence must be augmented, when I find it avowed, that the actors in all these sad exhibitions were the mere puppets of the Attorney-General, moved by his wires, and performing under his control. It is in vain to look for safety to person or property, whilst this system is allowed to pervade our courts; the very fountain of justice may be corrupted at its source, and those waters which should confer health and vigor throughout the land, can then diffuse nought but mephitic and pestilential vapors to disgust and to destroy. If honesty, if justice be silent, yet prudence ought to check these practices. We live in a new era—a melancholy era, in which perfidy and profligacy are sanctioned by high authority; the base violation of plighted faith, the deep stain of dishonor, infidelity in love, treachery in friendship, the abandonment of every principle, and the adoption of every frivolity and of every vice that can excite hatred combined with ridicule—all—all this, and more, may be seen around us; and yet it is believed, it is expected, that this system is fated to be eternal. Gentlemen, we shall all weep the insane delusion; and in the terrific moments of altercation you know not, you cannot know, how soon or how bitterly the ingredients of your own poisoned chalice may be commended to your own lips.

With these views around us—with these horrible prospects lying obscurely before us—in sadness and in sorrow, party feelings may find a solitary consolation. My heart feels a species of relief when I recollect that not one single Roman Catholic has been found suited to the Attorney-General's purpose. With what an affectation of liberality would he have placed, at least, one Roman Catholic on his juries, if he could have found one Roman Catholic gentleman in this city capable of being managed into fitness for those juries. You well know that the very first merchants of this city, in wealth as well as in character, are Catholics. Some of you serve oc-

casionally on special juries in important cases of private property. Have you ever seen one of those special juries without many Catholics?—frequently a majority—seldom less than one-half of Catholics. Why are Catholics excluded from these state juries? Who shall venture to avow the reason? Oh, for the partisan indiscretion that would blindly avow the reason! It is, in truth, a high compliment, which persecution, in spite of itself, pays to independent integrity.

It is, in fact, a compliment. It is intended for a reproach, for a libel. It is meant to insinuate that such a man, for example, as Randall M'Donnell—the pride and boast of commerce—one of the first contributors to the revenues of the state, and the first in all the sweet charities of social life—would refuse to do justice, upon his oath, to the crown, and perjure himself in a state trial, because he is a Roman Catholic. You, even you, would be shocked, if any man were so audacious as to assert, in words, so foul a libel, so false a calumny; and yet what does the conduct of the Attorney-General amount to? Why, practically, to just such a libel, to precisely such a calumny. He acts a part which he would not venture to speak, and endeavors silently to inflict a censure which no man could be found so devoid of shame as to assert in words. And here, gentlemen, is a libel for which there is no punishment; here is a profligate calumny for which the law furnishes no redress; he can continue to calumniate us by his rejection. See whether he does not offer you a greater insult by his selection; lay your hands to your hearts, and in private communion with yourselves, ask the reason why you have been sought for and selected for this jury—will you discover that you have been selected because of admitted impartiality?

Would to God you could make that discovery! It would be one on which my client might build the certain expectation of a triumphal acquittal.

Let me transport you from the heat and fury of domestic politics; let me place you in a foreign land; you are Protestants; with your good leave, you shall for a moment be Portuguese, and Portuguese is now an honorable name, for right well have the people of Portugal fought for their country, against the

foreign invader. Oh, how easy to procure a similar spirit, and more of bravery, amongst the people of Ireland! The slight purchase of good words, and a kindly disposition, would convert them into an impenetrable guard for the safety of the Throne and the State. But advice and regret are equally unavailing, and they are doomed to calumny and oppression, the reality of persecution, and the mockery of justice, until some fatal hour shall arrive, which may preach wisdom to the dupes, and menace with punishment the oppressor.

In the meantime I must place you in Portugal. Let us suppose for an instant that the Protestant religion is that of the people of Portugal—the Catholic that of the government—that the house of Braganza has not reigned, but that Portugal is still governed by the viceroy of a foreign nation, from whom no kindness, no favor has ever flowed, and from whom justice has rarely been obtained, and upon those unfrequent occasions, not conceded generously, but extorted by force, or wrung from distress by terror and apprehension, in a stinted measure and ungracious manner; you, Protestants, shall form, not, as with us in Ireland, nine tenths, but some lesser number—you shall be only four fifths of the population; and all the persecution which you have yourselves practiced here upon Papists, whilst you, at the same time, accused the Papists of the crime of being persecutors, shall glow around; your native land shall be to you the country of strangers; you shall be aliens in the soil that gave you birth, and whilst every foreigner may, in the land of your forefathers, attain rank, station, emolument, honors, you alone shall be excluded; and you shall be excluded for no other reason but a conscientious abhorrence to the religion of your ancestors.

Only think, gentlemen, of the scandalous injustice of punishing you because you are Protestants! With what scorn, with what contempt do you not listen to the stale pretences—to the miserable excuses by which, under the name of state reasons and political arguments, your exclusion and degradation are sought to be justified. Your reply is ready: "Perform your iniquity—men of crimes (you exclaim) be unjust—punish us for our fidelity and honest adherence to truth, but insult us not by supposing that your reasoning can impose

upon a single individual either of us or of yourselves." In this situation let me give you a viceroy; he shall be a man who may be styled—by some persons disposed to exaggerate, beyond bounds, his merits, and to flatter him more than enough—" an honorable man and a respectable soldier," but in point of fact, he shall be of that little-minded class of beings who are suited to be the plaything of knaves—one of those men who imagine they govern a nation, whilst in reality they are but the instruments upon which the crafty play with safety and with profit. Take such a man for your viceroy—Protestant Portuguese. We shall begin with making this tour from Tralos Montes to the kingdom of Algesiras—as one amongst us should say, from the Giant's Causeway to the kingdom of Kerry. Upon his tour he shall affect great candor and good will to the poor suffering Protestants. The bloody anniversaries of the inquisitorial triumphs of former days shall be for a season abandoned, and over our inherent hostility the garb of hypocrisy shall for a season be thrown. Enmity to the Protestants shall become, for a moment, less apparent; but it will be only the more odious for the transitory disguise.

The delusion of the hour having served its purpose, your viceroy shows himself in his native colors; he selects for office, and prefers for his pension-list, the men miserable in intellect, if they be but virulent against the Protestants; to rail against the Protestant religion—to turn its holiest rites into ridicule—to slander the individual Protestants, are the surest, the only means to obtain his favor and patronage. He selects from his Popish bigots some being more canine than human, who, not having talents to sell, brings to the market of bigotry his impudence—who, with no quality under heaven but gross, vulgar, acrimonious, disgustful and shameless abuse of Protestantism to recommend him, shall be promoted to some accountant-generalship, and shall riot in the spoils of the people he traduces, as it were to crown with insult the severest injuries. This viceroy selects for his favorite privy councillor some learned doctor, half lawyer, half divine, an entire brute, distinguished by the unblushing repetition of calumnies against the Protestants. This man has asserted that Protestants are perjurers and murderers in principle—

that they keep no faith with Papists, but hold it lawful and meritorious to violate every engagement, and commit every atrocity towards any person who happens to differ with Protestants in religious belief. This man raves thus, in public, against the Protestants, and has turned his ravings into large personal emoluments. But whilst he is the oracle of minor bigots, he does not believe himself; he has selected for the partner of his tenderest joys, of his most ecstatic moments—he has chosen for the intended mother of his children, for the sweetener and solace of his every care, a Protestant, gentlemen of the jury.

Next to the vile instruments of bigotry, his accountant-general and privy councillor, we will place his acts. The Protestants of Portugal shall be exposed to insult and slaughter; an Orange party—a party of Popish Orangemen, shall be supposed to exist; they shall have liberty to slaughter the unarmed and defenceless Protestants, as they sit peaceably at their firesides. They shall be let loose in some Portuguese district called Monaghan; they shall cover the streets of some Portuguese town of Belfast with human gore; and in the metropolis of Lisbon, the Protestant widow shall have her harmless child murdered in the noonday, and his blood shall have flowed unrequited, because his assassin was very loyal when he was drunk, and had an irresistible propensity to signalize his loyalty by killing Protestants. Behold, gentlemen, this viceroy depriving of command, and staying the promotion of, every military man who shall dare to think Protestants men, or who shall presume to suggest that they ought not to be prosecuted. Behold this viceroy promoting and rewarding the men who insulted and attempted to degrade the first of your Protestant nobility. Behold him in public, the man I have described.

In his personal concerns he receives an enormous revenue from the people he thus misgoverns. See in his management of that revenue a parsimony at which even his enemies blush. See the paltry sum of a single joe refused to any Protestant charity, whilst his bounty is unknown even at the Popish institutions for benevolent purposes. See the most wasteful expenditure of the public money—every job patronized—

every profligacy encouraged. See the resources of Portugal diminished. See her discords and her internal feuds increased. And, lastly, behold the course of justice perverted and corrupted.

It is thus, gentlemen, the Protestant Portuguese seek to obtain relief by humble petition and supplication. There can be no crime surely for a Protestant oppressed, because he follows a religion which is, in his opinion, true, to endeavor to obtain relief by mildly representing to his Popish oppressors, that it is the right of every man to worship the Deity according to the dictates of his own conscience; to state respectfully to the governing powers that it is unjust, and may be highly impolitic to punish men, merely because they do not profess Popery, which they do not believe; and to submit, with all humility, that to lay the burdens of the state equally, and distribute its benefits partially, is not justice, but, although sanctioned by the pretence of religious zeal, is, in truth, iniquity, and palpably criminal. Well, gentlemen, for daring thus to remonstrate, the Protestants are persecuted. The first step in the persecution is to pervert the plain meaning of the Portuguese language, and a law prohibiting any disguise in apparel, shall be applied to the ordinary dress of the individual; it reminds one of pretence and purpose.

To carry on these persecutions, the viceroy chooses for his first inquisitor the descendant of some Popish refugee—some man with an hereditary hatred to Protestants; he is not the son of an Irishman, this refugee inquisitor—no, for the fact is notorious, that the Irish refugee Papists were ever distinguished for their liberality, as well as for their gallantry in the field and talent in the cabinet. This inquisitor shall be, gentlemen, a descendant from one of those English Papists, who was the dupe or contriver of the Gunpowder Plot! With such a chief inquisitor, can you conceive anything more calculated to rouse you to agony than the solemn mockery of your trial? This chief inquisitor begins by influencing the judges out of court; he proceeds to inquire out fit men for his interior tribunal, which, for brevity, we will call a jury. He selects his juries from the most violent of the Popish Orangemen of the city, and procures a conviction against law

and common sense, and without evidence. Have you followed me, gentlemen? Do you enter into the feelings of Protestants thus insulted, thus oppressed, thus persecuted—their enemies and traducers promoted, and encouraged, and richly rewarded—their friends discountenanced and displaced—their persons unprotected, and their characters assailed by hired calumniators—their blood shed with impunity—their revenues parsimoniously spared to accumulate for the individual, wastefully squandered for the state—the emblems of discord, the war-cry of disunion, sanctioned by the highest authority, and Justice herself converted from an impartial arbitrator into a frightful partisan?

Yes, gentlemen, place yourselves as Protestants under such a persecution. Behold before you this chief inquisitor, with his prejudiced tribunal—this gambler, with a loaded die; and now say what are your feelings—what are your sensations of disgust, abhorrence, affright? But if at such a moment some ardent and enthusiastic Papist, regardless of his interests, and roused by the crimes that were thus committed against you, should describe, in measured, and cautious, and cold language, scenes of oppression and iniquity—if he were to describe them, not as I have done, but in feeble and mild language, and simply state the facts for your benefit and the instruction of the public—if this liberal Papist, for this, were dragged to the Inquisition, as for a crime, and menaced with a dungeon for years, good and gracious God! how would you revolt and abominate the men who could consign him to that dungeon! With what an eye of contempt, and hatred, and despair, would you not look at the packed and profligate tribunal, which could direct punishment against him who deserved rewards! What pity would you not feel for the advocate who, heavily and without hope, labored in his defence! and with what agonized and frenzied despair would you not look to the future destinies of a land in which perjury was organized and from which humanity and justice had been for ever banished!

With this picture of yourselves in Portugal, come home to us in Ireland, say is that a crime, when applied to Protestants, which is a virtue and a merit when applied to Papists? Be-

hold how we suffer here; and then reflect, that it is principally by reason of your prejudices against us that the Attorney-General hopes for your verdict. The good man has talked of his impartiality; he will suppress, he says, the licentiousness of the press. I have, I hope, shown you the right of my client to discuss the public subjects which he has discussed in the manner they are treated of in the publication before you, yet he is prosecuted. Let me read for you a paragraph which the Attorney-General has not prosecuted—which he has refused to prosecute:

BALLYBAY, JULY 4, 1813.

"A meeting of the Orange Lodges was agreed on, in consequence of the manner in which the Catholics wished to have persecuted the loyalists in this county last year, when they even murdered some of them for no other reason than their being yeomen and Protestants."

And, again—

"It was at Ballybay that the Catholics murdered one Hughes, a yeoman sergeant, for being a Protestant, as was given in evidence at the assizes by a Catholic witness."

I have read this passage from the Hibernian Journal of the 7th of this month. I know not whether you can hear, unmoved, a paragraph which makes my blood boil to read; but I shall only tell you, that the Attorney-General refused to prosecute this libeller. Gentlemen, there have been several murders committed in the County of Monaghan, in which Ballybay lies. The persons killed happened to be Roman Catholics; their murderers are Orangemen. Several of the persons accused of these murders are to be tried at the ensuing assizes. The agent applied to me personally, with this newspaper; he stated that the obvious intention was to create a prejudice upon the approaching trials favorable to the murderers, and against the prosecutors. He stated what you—even you—will easily believe, that there never was a falsehood more flagitiously destitute of truth than the entire paragraph. I advised him, gentlemen, to wait on the Attorney-General in the most respectful manner possible; to show him this paragraph, then to request to be allowed to satisfy him as to the utter falsehood of the assertions which this paragraph contained, which could be more easily done, as the judges who went that circuit

could prove part of it to be false; and I directed him to entreat that the Attorney-General, when fully satisfied of the falsehood, would prosecute the publisher of this, which, I think, I may call an atrocious libel.

Gentlemen, the Attorney-General was accordingly waited on; he was respectfully requested to prosecute upon the terms of having the falsehood of these assertions first proved to him. I need not tell you he refused. These are not the libellers he prosecutes. Gentlemen, this not being a libel on any individual, no private individual can prosecute for it; and the Attorney-General turns his press loose on the Catholics of the county of Monaghan, whilst he virulently assails Mr. Magee for what must be admitted to be comparatively mild and inoffensive.

No, gentlemen, he does not prosecute this libel. On the contrary, this paper is paid enormous sums of the public money. There are no less than five proclamations in the paper containing this libel; and it was proved in my presence, in a court of justice, that, besides the proclamations and public advertisements, the two proprietors of the paper had each a pension of £400 per annum, for supporting government, as it was called. Since that period one of those proprietors has got an office worth, at least, £800 a year; and the son of the other, a place of upwards of £400 per annum: so that, as it is likely that the original pensions continue, here may be an annual income of £2,000 paid for this paper, besides the thousands of pounds annually, which the insertion of the proclamations and public advertisements cost. It is a paper of the very lowest and most paltry scale of talent, and its circulation is, fortunately, very limited; but it receives several thousands of pounds of the money of the men whom it foully and falsely calumniates.

Would I could see the man who pays this proclamation money and these pensions at the Castle. [Here Mr. O'Connell turned round to where Mr. Peele, Chief Secretary to the Lord Lieutenant, sat.] Would I could see the man who, against the fact, asserted that the proclamations were inserted in all the papers, save in those whose proprietors were convicted of a libel. I would ask him whether this be a paper

that ought to receive the money of the Irish people?—whether this be the legitimate use of the public purse? And when you find this calumniator salaried and rewarded, where is the impartiality, the justice, or even the decency of prosecuting Mr. Magee for a libel, merely because he has not praised public men, and has discussed public affairs in the spirit of freedom and of the constitution? Contrast the situation of Mr. Magee with the proprietor of the Hibernian Journal; the one is prosecuted with all the weight and influence of the crown, the other pensioned by the ministers of the crown; the one dragged to your bar for the sober discussion of political topics, the other hired to disseminate the most horrid calumnies! Let the Attorney-General now boast of his impartiality; can you credit him on your oaths? Let him talk of his veneration for the liberty of the press; can you believe him in your consciences? Let him call the press the protection of the people against the government. Yes, gentlemen, believe him when he says so. Let the press be the protection of the people; he admits that it ought to be so. Will you find a verdict for him, that shall contradict the only assertion upon which he and I, however, are both agreed?

Gentlemen, the Attorney-General is bound by this admission; it is part of his case, and he is the prosecutor here; it is a part of the evidence before you, for he is the prosecutor. Then, gentlemen, it is your duty to act upon that evidence, and to allow the press to afford some protection to the people.

Is there amongst you any one friend to freedom? Is there amongst you one man, who esteems equal and impartial justice, who values the people's rights as the foundation of private happiness, and who considers life as no boon without liberty? Is there amongst you one friend to the constitution—one man who hates oppression? If there be, Mr. Magee appeals to his kindred mind, and confidently expects an acquittal.

There are amongst you men of great religious zeal—of much public piety. Are you sincere? Do you believe what you profess? With all this zeal—with all this piety, is there any conscience amongst you? Is there any terror of violating your

oaths? Be ye hypocrites, or does genuine religion inspire you? If you be sincere—if you have conscience—if your oaths can control your interests, then Mr. Magee confidently expects an acquittal.

If amongst you there be cherished one ray of pure religion—if amongst you there glow a single spark of liberty—if I have alarmed religion, or roused the spirit of freedom in one breast amongst you, Mr. Magee is safe, and his country is served; but if there be none—if you be slaves and hypocrites, he will await your verdict, and despise it.

SPEECH IN THE BRITISH CATHOLIC ASSOCIATION, ON THE DEFEAT OF THE EMANCIPATION BILL, MAY 26, 1825.

The measure of which we complained is of too recent a date, the injury which we have sustained is yet too fresh, too galling in its effects, to allow my reason to assume the ascendant over my feelings, and to give my judgment time to operate on, and influence the tenor of my reflections. I shall nevertheless be as respectful in my allusions, and as moderate in the remarks I have to offer, as the overboiling fervency of my Irish blood will permit. By rejecting that bill which the Commons had sent up to them for their concurrence and approval, the House of Lords has inflicted a vital injury on the stability of English power, and on Irish feelings and Irish honesty. They, however, would not be cast down by that injury. The Catholics were sometimes in derision termed "Roman." I am a Catholic, and proud am I to say that in one thing at least I am a Roman—I never will despair. But on what is this boastful assertion founded? Why should I say that which I feel has not reason or sound policy to support it? Where now, I would ask, is there a rational hope for a Catholic? Where shall I look for consolation under the present great and serious disappointment? Am I to look back? Alas! there is nothing cheering in the events which have for

some time past met us on the way to success and dashed our hopes to the earth. Does history furnish any grounds for the supposition that those who have been found incapable of maintaining their plighted faith, and preserving the terms of a great national contract, will now, in the hour of success, be induced to yield any reason, any inducement to us to proceed in the course we have adopted? Is this, I would ask, the example the Irish Catholics gave, when they had on two occasions come into power? Did they, in the reign of Mary, seek by retaliation to avenge the blood of their slaughtered ancestors? No! thank God, they did not! and that at least was one triumphant consideration. Not one drop of Protestant blood had been shed—not one particle of Protestant property had been then sacrificed. In the reign of James II. the Catholics again came into power, and their conduct was marked by the same spirit of forbearance. I have heard it justly stated in the House of Commons—no, I must not say that, but I saw it in the newspapers, in the powerful speech of Mr. Twiss, which was distinguished alike for vigor of thought, strength of reasoning, and historical accuracy, that in the reign of James there were but fourteen Protestants in the House of Commons, and eight or ten in the House of Lords; the rest were Catholics. Were Protestants excluded from it by law? No, the people returned both Protestants and Catholics; and no one then stood up to say that a man should not be permitted to sit in parliament unless he heard Mass and attended auricular confession. No, no, it was left to their enemies to say that Catholics should not be admitted there, for the sacrifice of the Mass was impious and idolatrous.

[Mr. O'Connell then attended to a statement made by Mr. Dawson, who thought fit to attribute persecution to the Irish Catholics in the reign of the second James, on the authority of Archbishop King, who was refuted by Rev. Dr. Leslie, and yet, in 1825, is quoted in parliament to convict the Catholics of Ireland. He next entered into a brief history and defence of the Irish Catholic Association, and reprobated the penal act which extinguished that body.]

I call on the Catholics of England to co-operate with those of Ireland for the repeal of this act, for it is a step to return

to the old penal law; and how can I tell the people of Ireland they ought to be tranquil, and not ferment in their hearts that black stuff which makes political discontent mischievous—that fire suppressed, that explodes only the more dangerously on account of the compression that has withheld it? How can I tell the people of Ireland to hope, when they see this unprincipled, disastrous measure has been adopted? I confess I do find ground for hope in the things called arguments which are employed against us, if I had not seen any in the records of ancient history, in the violation of treaties, and the recent case of the suppression of the Catholic Association. I begin with the first in dignity, the keeper of the King's English conscience; for the King, my lord, has three consciences—he has an English conscience, and the keeper of it is a liberal, and turns to the liberal side of it; he has an Irish conscience, and I hope the keeper of it will very soon be a liberal person, and he will turn to the liberal side of it; and his Majesty, my lord, has a Hanoverian conscience; that conscience is in his own keeping; it has no contradicting colors or differing sides—it is all liberality and justice. Who cannot see that the guilt of refusing that to us which the King personally gives to his Hanoverian subjects, lies in the miserable machinery of a boroughmongering administration, which prevents the King from doing justice to all?

There were two other objections against us. I thank the quarter from which they come: I thank him sincerely for the first of them, for I must unaffectedly admit its truth and justice, and I will abide the event of it fairly. It was this—if you emancipate the Catholics, said the Lord Chancellor, you must equally give liberty of conscience to all classes of Dissenters. I thank you heartily, my Lord Eldon; that is exactly what we say; our petition is that;—we do not come before parliament, making a comparison of theological doctrines: we revere our own; we are not indifferent to them; we know their awful importance, but we say liberty of conscience is a sacred right. [A voice from the crowd: "You have it."] I thank the gentleman whose voice I hear. You, my Lord Duke, possess liberty of conscience. Are you not the premier peer of England—could any one deprive you of that

right? Could the King upon his throne, or the Chancellor on his bench, make any decree against it, if your conscience permitted? There is such a liberty of conscience as that alluded to in Spain, where every man is at liberty to be of the religion of the ruling power; but now that Ferdinand is returned, no man is allowed to dissent from that religion; and let me not be brought to prefer the Cortes to him. They trod upon the Church, and threw away the people, and deserved to lose their power. The Dissenters have it not, for neither Smith, of Norwich, nor Wilks, the Secretary of that excellent Association for Liberty of Conscience (who published in their own, my creed on that subject), they could not fill an office in any corporation, for the moment they were proposed, the opposite candidate would tell them, "You have not taken the sacramental test," and the election would be void, and the candidate who had fewest votes would be returned. This was good and fair reason to hope that the principle is calculated, in spite of miserable bigotry and individual acrimony, to make its way all over England. The liberal portion of the Dissenters are with us. I find, therefore, reason to hope. Liberty of conscience is our principle, and even in despair I would retain it; for I am confident that force may make hypocrites, but not true believers—it may compel outward profession, but it is not in man's power to change the heart; and because I know that force is always resorted to by him that thinks he has the worst of the argument. But, for my part, being conscientiously convinced of the superiority of the Catholic religion over every other—and putting it to this awful test of sincerity, that I know an eternity depends upon it—with that awful conviction, all I ask of my Protestant brethren, who believe their own religion to be the best, is, that they would give the same practical proof of their conviction of its superiority. Let them give their religion what I ask for mine—a clear stage and no favor, and let the advantage be decided by conscientious men and the will of the eternal God.

Another argument of the Lord Chancellor was—it seemed, indeed, rather a word than an argument—that this was a Protestant constitution, and the words "Protestant constitution" came out very frequently. This was rather an assertion than an

argument, and it has this defect as an assertion, that it happens, my lord, not to be true. There are four descendants amongst the Catholic nobility of the day of the barons who extorted Magna Charta from a tyrant. It was Catholics who instituted the hereditary succession in the House of Lords as a separate House: it was Catholics who instituted the representation of the people in the House of Commons: it was Catholics who instituted trial by jury, standing as a shield between the people and power, making the administration of the law a domestic concern, and preventing any man giving a false and flagitious verdict to-day in favor of despotism, lest he himself should be the victim the next. Are not these ingredients in the constitution? I would not forget the treason law of Edward III., which is the perfection of wisdom in that respect, for many and many a victim would have been sent to premature death and destruction but for the advantage of that Catholic statute of Edward III.; and whenever despotism has ruled over this country, the first step that has been taken, from time to time, and it was one which immediately followed the Reformation, was to repeal that Catholic statute, and deprive the people of its benefits. We have it now; but though we have it now through its being restored by a Protestant parliament, it was drawn up by Catholic hands, it was passed by Catholic votes, it was signed by a Catholic King, and will Lord Eldon tell me that the treason law, the trial by jury, the House of Lords, and the office of Chancellor, too, are no portions of this Protestant constitution? If that office did not exist, I suspect that the Protestantism of the Chancellor would not be so extremely vivid as it is at present. The seals he bears, the mace which is carried before him, were borne by, and carried before many and many a Catholic bishop; and the first layman who held them was the martyred Sir Thomas More, who, as it was well said in parliament, left the office with ten pounds in his pocket; a Catholic example to the present Protestant Chancellor.

Protestant constitution! What is it, if money be not one of the valuable concerns of the constitution? Will the Chancellor say it is not? If the constitution be Protestant, let the Protestants pay the tithes and the taxes; let them pay the

church rates and the Grand Jury cess for us in Ireland. If it be a Protestant constitution let it be so entirely: let us not have to fight their battles or pay their taxes. This is the admirable and inimitable equity of the Lord Chancellor. Here is the keeper of a conscience for you! Here is a distributor of equity. It shall be Protestant to the extent of everything that is valuable and useful: to the extent of everything that is rewarding and dignified; for every place of emolument and authority, and everything that elevates a man, and is the recompense of legitimate ambition. To this extent it shall be Protestant; but for the burdens of the state—for the shedding of human blood in defence of the throne—for all that bears on a man, even to the starvation of his family by the weight of taxation which so few are able to pay in this country, and by which so many have been reduced to poverty in Ireland (for have I not seen the miserable blanket, and the single potato pot, sold by the tax-gatherer in my native country?) Oh, shall I, I say, be told that for all that is useful the constitution shall be Protestant, and that it shall cease to be so the moment there is anything of oppression, money-making, grinding, or taxation? Is it just to take the entire value and give no valuable consideration in return? Is it just to accept labor and pay no wages? Is this equity in the High Court of Chancery? From your tribunal I appeal to the living God, who shall judge us all, and in his presence I proclaim the foul iniquity, the barefaced injustice of loading us with all the burdens of the state, and keeping us from its advantages.

After the Chancellor I would refer to the speech of a right Reverend Bishop, which was said to have been sonorous, musical and well delivered—highly pleasing to his party. It reminded him of a story told by Addison, who heard a lady in a carriage utter a loud scream, and supposing her suffering under some violence or injury, inquired what was the matter, and was told nothing; but the lady had been told she had a fine voice, and had been showing it by screaming. She only wished to make an exhibition. The bishop, too, was only screaming, and had formerly screamed the other way. The first part of his speech, as I read it in the newspaper, was a

good essay on disinterestedness! We were called, interested, selfish; but would the Right Reverend Bishop explain how it was that he had formerly been favorably disposed towards the Catholics, till he became tutor to the Earl of Liverpool's nephew, and that then all at once a change was effected in his mind. He is young—there are a great many other bishops, and he was certainly fortunate in his chance, for he adopted, if not a better, yet more enriching faith. It might be by a miracle—for a Protestant bishop might work miracles as well as Prince Hohenlohe—it might be by a miracle, that the new light broke in on the bishop just at the right time; that he was kept in darkness to a certain hour, and then was suddenly made to see the danger, and to turn from a friend to an enemy. I have no objection to fair enmity, but the Bishop of Chester's enmity was not fair. In his speech he had quoted a part of a speech of Doctor Dromgoole; I believe, too, from what I recollect, that the bishop quoted an exaggerated version, and he stated that this speech had been approved of by the Catholic Association, and by all the Catholic priests, and at Rome. I heard this with great astonishment, for, in fact, Doctor Dromgoole's speech was the only one I ever recollected which had been condemned at a public meeting.

It had been pronounced late in the evening. I was not present, or the sun would not have gone down on it unreproved—and on the next day an extraordinary meeting of the Catholic Board was summoned, and the speech condemned. He called the Protestant faith a novelty, and it was stated to him that whatever opinions he chose to discuss among theologians, he must not insult the Protestants. Where the Bishop of Chester learned that this speech had been approved of at Rome, I do not know, but I suppose it might be by the same vivacity of fancy, and the same energy of imagination from which he learned that the speech had been approved of in Ireland. I arraign him of inventing it. If the Catholic bishops who were examined before the lords,—if Doctor Murray, the sanctity of whose life was displayed in the suavity of his manners, and who was the mildest of all Christians—if Doctor Doyle, whose understanding was as vigorous as his manners were simple, who possessed an exhaustless store of know-

ledge, and whose gigantic intellect could readily convey them to the mind of every other man—if these prelates in their examination had invented anything like this against the Protestants, though he revered them as the representatives of those Christian bishops who had first established the Catholic Faith in Ireland; if the Lord Bishop of Chester could point out to him anything in their evidence similar to the invention he had alluded to, I will at once brand them as calumniators. I will not say anything of this kind to the Bishop of Chester, because I do not belong to the same church with him; but if he will point out to me anything so false in their evidence, I will tell the Irish bishops they are liars and calumniators, and that they have broken the commandment, for they had borne false witness against their neighbor. I would, however, say no more of the Bishop of Chester's speech, but if any more positive proof of its error were wanting, he had only to turn over the Dublin Evening Post for half an hour, and he would find the whole proceedings of the meeting at which Dr. Dromgoole's speech was censured.

[Mr. O'Connell here took occasion to eulogize Mr. Canning, Mr. Plunkett and Mr. Brownlow, and contrasted the conduct of the latter with that of the Marquis of Anglesea.]

The contrast I was going to offer, and that which would alone make us despair, if I did not know my countrymen better, is that of the noble and gallant deserter, the Marquis of Anglesea. He said, now was the time to fight. But, most noble Marquis, we are not going to fight at all, and above all things, most noble Marquis, we are not going to fight now, under favor. This may be your time to fight—you may want us to fight ere long with you, as you wanted us before—your glories, and your medals, and your dignities, and your titles, were bought by the young blood of Catholic Ireland. We fought, Marquis of Anglesea, and you know it well—we fought, and you are Marquis; if we had not fought with you, your island of Anglesea would ere this have shrunk into a cabbage garden. And where would now have been the mighty conqueror of Europe: he, who had talent to command victory, and judgment to look for services, and not creeds to reward men

for merits, and not for professions of faith; where would he have been if Ireland had not stood by you? I myself have worn, not only the trappings of woe, but the emblems of sincere mourning, for more than one gallant relative of mine who have shed their blood under your commands. We can fight—we will fight when England wants us. But we will not fight against her at present, and I trust we will not fight for her at all until she does us justice.

But, most noble Marquis, though your soldiers fought gallantly and well with you, in a war which they were told was just and necessary, are you quite sure the soldiers will fight in a crusade against the unarmed and wretched peasantry of Ireland? Your speech is published; it will, when read in Armagh, and the neighboring counties, give joy, and will be celebrated in the next Orange procession; and again, as before, Catholic blood will be shed; but most noble Marquis, the earth has not covered all the blood that has been so shed; it cries yet for vengeance to heaven, and not to man; that blood may yet bring on an unfortunate hour of retribution; and if it do, what have you to fight with? Count you on a gallant army? There are English gentry amongst its officers, the sons and descendants of those who wielded the sword for liberty, never to strike down to slavery their fellow men. English chivalry will not join with you, most noble Marquis of Anglesea: and though you have deserted her and taken the prudent side of the Commander-in-Chief, yet, gallant Marquis, I think you have reckoned without your host.

Let me tell you this story, sir. I am but an humble individual. It happened to me, not many months ago, to be going through England; my family were in a carriage, on the box of which I was placed; there came up on the road, eight or ten sergeants and corporals, with two hundred and fifty recruits. I perceived at once the countenances of my unfortunate countrymen laughing as they went along, for no other reason than because they were alive. They saw me, and some of them recognized me; they instantly burst from their sergeants and corporals, formed around my carriage, and gave me three cheers, most noble Marquis. Well, may God bless them, wherever they are, poor fellows! Oh, you reckon without

your host, let me tell you, when you think that a British army will trample on a set of petitioners for their rights—beggars for a little charity, who are looking up to you with eyes lifted, and hands bent down. You will not fight us now, most noble Marquis; and let me tell you, if the battle comes, you shall not have the choice of your position either.

But though he is an excellent soldier, the Marquis is a special bad logician—no blame to him; for, in the same speech, he said he was still for Catholic emancipation, and would return to us as soon as he was certain that emancipation was consistent with Protestant ascendency. Ascendency forsooth! Catholic emancipation supposes universal equalization of civil eligibility, and it cannot consist with the ascendency of any party. The Marquis is ready to open the window to us as soon as he is sure the sun will not shine through it. I am not afraid of his sword. Still less do I feel in peril from his logic. The King of Prussia, when the Saxons left him, one fine morning, said, "Let them go against us, it is better that all the enemy should be together, and all our friends together also." I make a present of you, to our opponents, most noble Marquis. Him who thus deserted us, and hallooed in the ranks of those whose cry was religious dissensions,—him have I contrasted with the true genuine Protestant Christian, who, firm in his own opinion, was the enemy of the Catholics, so long as he believed them to be the enemies of liberty, religious and civil; but who, the moment he was convinced that they were equally its friends as himself, became our supporter, and set the glorious golden example of a perfect sacrifice of all that little pride and jealousy which attach to a change of genuine opinion—him have I contrasted with Mr. Brownlow, who, be it ever remembered, stood by no Commander-in-Chief, and who can only expose himself in injury and expense, by a sacrifice to principles which the Marquis of Angelsea may admire, but cannot afford possibly to imitate.

[Mr. O'Connell then proceeded to panegyrize the public exertions of Sir Francis Burdett, Lord Nugent, and the Earl of Donoughmore; and passed some severe sarcasms on Sir T. Lethbridge and Mr. Banks, senior.]

There was one speech more on which I will say a few words—it was the speech of Lord Liverpool. I have never read a polemical speech of the noble lord till that. The noble lord seemed to have been employed in a manner quite becoming a great statesman; disregarding the course which our ancient enemy, France, was pursuing: not thinking that she was daily increasing her armies—that she was creating an efficient navy—that she was rapidly paying off her debt—that titheless France was daily improving her resources, and getting rid of the burdens which the war had left on her—that she was building a large class of frigates, and appeared as if inclined, on some fit opportunity, to dispute with us once more the empire of the seas. Of all these facts the noble lord seemed heedless; they were perhaps beneath the notice of his great mind. He did not calculate on the rising generation of America, that country in which alone the Irish Catholic has fair play. He did not appear to consider in what time a westerly wind, which would shut us up in the channel, would waft a fleet to the shores of Ireland, perhaps at some period of distress and discontent, when arms and not men might be wanting. All these were subjects below the consideration of Lord Liverpool's great mind. He was busied with one of much greater importance to the state. He was engaged in polemical discussions about auricular confession and penance, and the mode of administering the sacrament; and as the result of his studies in those important matters, he poured forth a rich and luscious discourse on an admiring audience. In the course of that speech, the noble lord read the House of Commons no very gentle lecture for having presumed to send up such a bill. Here was another reformer. It had been said, perhaps untruly, that the great majority of the House were sent into their places by several members of the Peers: if that were true, it might perhaps account for the scolding given for having passed a bill not approved by their masters. Be that however as it might, the House of Commons were scolded—perhaps they deserved it. The noble lord had expressed an opinion, that the religion of several millions of his fellow-subjects was such, as to render them unfit for the enjoyment of civil rights to the same extent as the Protestant. What new

light was it that broke upon the noble Earl's mind, so as to produce this impression, so opposite to that which he seemed to feel only one year before?

The noble Earl appeared to hold a very different opinion of the Irish people last year. On the 8th of April, 1824, he was reported to have said in his place in the House, speaking of the Irish, "that whatever they may be in their own country, I say of them in this, that there does not exist, on the face of the globe, a more industrious, a more honest, or more kindly-disposed people." Surely they have not changed their religion since then; and if, in 1824, that religion could make them "honest, industrious, and kindly-disposed," why should it be urged as a ground for exclusion from the full enjoyment of the rights of British subjects in 1825? What other use would a statesman make of religion but to instill morality and public order? The noble Earl went on in the same speech to say, "I think it material to bear this testimony in their favor, because whatever may be the evils of Ireland, and from whatever source they may proceed, it is impossible for any man to imagine that they arise from any defect in the people. We may boldly assert that it is impossible to find a more valuable class of people in any country in the world." And yet it was this most valuable class of persons that the noble Earl in his late address would condemn to eternal exclusion from the full benefits of the constitution. Did the noble Earl imagine that the drivelling nonsense of Dr. Duigenan, which he had kept bottled up for seven or eight years, and now drew forth to treat the British nation, would drive a people such as he had described from their purpose? Let the honest lord stand forth and defend his consistency. He had made that speech from which he had just given the extract in 1824; the second speech was made in 1825. In the interim the Duke of York had made his declaration of eternal hostility to the great question of emancipation. The Bishop of Chester was not the only convert which that speech had made. The noble Earl, to use a vulgar adage, "knew how the cat jumped." Oh, my Lord Duke, with what pleasure will this speech of my Lord Liverpool and that of his Royal Highness of York be received at the meeting of the allied Sovereigns—those mighty despots

who, tyrannical as they are, still respect the consciences of their subjects? What joy will they not feel at reading this wise effusion of England's prime minister? They will in their hearts say, "Let it go forth, it will work for our views." They will add: "Rockites, keep your spirits—

Durate et vosmet rebus servate secundis.

Or, as Cromwell said, "'Trust in the Lord and rest on your pikes.' Matters are going on in the way that you and we and the enemies of England's peace could wish." Such would be the sentiments of all who were envious of England's power, and jealous of that freedom by which she acquired it. Their feelings on this subject would not be less gratified when they read, if they could believe it, the calculation made by Mr. Leslie Foster, showing that the population of Ireland was less by two millions than it was generally considered. That honorable gentleman, who was the more fit to be the head pedagogue of a large school, than at the head of a respectable county (a situation by the way in which the votes of Catholics had helped to placed him), had come to parliament with his primer and his multiplication table, and endeavored to show that the Catholics of Ireland were not so numerous by two millions as was generally believed. He began by counting the number of children that attended some of the charity schools, and then taking the number of parents that each child had, which was easy to ascertain; but he omitted to consider how many children each set of parents had, which in Ireland might perhaps be more difficult. He also omitted to notice the number of children that never attended at those schools; but the result of his calculation was, that the Catholics were less by two millions than their advocates stated them to be.

I have heard of killing off by computation by Captain Bobadil; but this beat Bobadil quite out. However, the error was not too gross for the party to which it was addressed, for the noble Earl swallowed it, Bobadil and all. What, I beg calmly to ask, would be the effect of the noble lord's denunciation of perpetual exclusion, upon the four of five millions of Catholics which Mr. Leslie Foster had left? (for he would admit for the moment that they were reduced two millions

without the aid of Lord Anglesea's broadsword.) They were told they could not be free while the Protestant church establishment existed, for that their entire emancipation was incompatible with the safety of that establishment, was this not in effect putting every man, woman and child of the five millions of Catholics in hostility to that church? I beg most distinctly to deny the justice of the assumption on which this argument of exclusion was founded. The Catholics did not wish to see the Protestant church subverted. I would solemnly declare, that I would rather perish than see the Protestant church subverted and my own church substituted in its place.

[The learned gentleman, after adverting to the petitions from England in favor of a repeal of the assessed taxes, which amounted to about three millions, proceeded to observe, that that sum and much more might be saved to this country, by merely doing an act of justice to the Irish people.]

Ireland now costs this country four millions a year more than her revenue produced. Let justice be done—let peace and content be brought about by this act of just concession, and Ireland, instead of being a burden to England, will prove a rich source of wealth and strength to the empire. Capital will flow into the country, her resources for its employment would become known, the facilities for every kind of commerce which her ports afforded would ensure a flow of wealth to English capitalists—the only persons who can take advantage of them—an advantage which they were deterred from seeking by the present unsettled state of the country. See what sources of annoyance, of war and bloodshed Wales and Scotland were, until they were incorporated in one government with England, and until their inhabitants were fully admitted to all the advantages of the constitution as British subjects, while they now contribute much to the strength of the empire. Why should not the same attempt be made with respect to Ireland? Is she to be forever excluded from the full benefits of the constitution? Before I conclude, I beg to notice a paper which had within these four days been circulated with great assiduity by the enemies of emancipation. One of those papers I now hold in my hand. It called

on all friends of the Protestant religion to read some extracts which it contained from the Journal des Débats, and to pause before they gave any support to the prayer of the Catholics. I will briefly state the nature of the case mentioned in the extracts, in order to show the gross injustice of founding upon it any charge against the Catholics. In the department of Aisne, an application was made by some Protestants for the erection of a Protestant church and the appointment of a minister of their religion to officiate in it. Now by the law of France the government is obliged in any place where there are five hundred Protestants residing, to erect a church for them, and to provide a minister to officiate in it. That clergyman was paid one hundred pounds a year, while a Catholic curate officiating for a similar number of Catholics, received only eighty pounds a year. The reason was, that a Protestant clergyman might have a wife to maintain, while a Catholic had not. The application was refused, not because it was intended to discourage the Protestant religion, but because the number of Protestants making application did not amount to one half the number for which the law authorized the building of a church—and this was the gross instance of religious oppression of which such loud complaints were heard in this country! What would have been said if there were three hundred Protestants living in one parish and only one Catholic, and that those three hundred were not only obliged to provide a place of worship for themselves, but also to build, at their entire expense, a church for the use of one Catholic? Would not all England ring with outcries against the injustice of the act? And yet an act of this description, with the exception that the parties were placed in situations the reverse of what he had described, had just occurred in Ireland.

A petition was a short time ago presented to the House of Commons, from three hundred Catholic inhabitants of a parish in Ireland, the name of which would sound very harsh in English ears, and which could with difficulty be pronounced by English lips, the parish of Aghado. The petitioners stated that they were the only inhabitants of the parish except one, and that one was a Protestant; that there was no Protestant church in the parish, but that the Protestant inhabitant had

the use of a pew in a neighboring parish church, and they complained of being called upon to bear the expense of building a church for that one Protestant. What, he repeated, would have been said if the petitioners happened to be Protestants, and the one inhabitant a Catholic? But because they were Catholics, it was passed over as a matter of course, and not a word was heard about the oppression of the case.

Another subject on which a great outcry had been raised, was lately stated in a French journal, the Constitutionnel. It appeared that a church at Nérac had been in possession of a Protestant congregation since 1804. This church had originally belonged to the Convent of St. Clare. In the French revolution, when the axe and the guillotine were in daily use against the ministers and professors of religion, the nuns were turned out upon the world, and the convent church was used as a storehouse. In this situation it continued until 1804, when it was given to a Protestant congregation, with no other title of gift or purchase than the mere *procès verbal* which assented to the application which had been made for it. Not long back the Convent of St. Clare was restored, and not unnaturally, the nuns applied for the church which had originally belonged to them. A regular legal proceeding was commenced for its recovery, and the members of the Protestant congregation, not being able to prove a good title, were obliged to give it up. For this, however, the Times and Chronicle, and other liberal journals, were quite enraged; their very types seemed to fly about in a passion. But what was there in the case to call for such angry comment?

It was said that the curé of Nérac made use of some very illiberal expressions on the occasion of regaining possession; if he did, there was no man connected with the Times or Chronicle who would more readily condemn any such expression than he would. Let it, however, be recollected, that the charge made was the charge of an enemy. It was made by a party of the old Jacobin school—of those whose friends had succeeded in overthrowing the altar of France for a time, and now, when religion was restored, would wish to hold up its ministers to contempt or reproach. I think the charge, coming from such a quarter, ought not to be entitled to any more

weight than an idle calumny which might be found against himself in the John Bull of this town.

Suppose during the power of Cromwell—that scriptural Christian, with texts in his mouth and sword in his hand—suppose that rough commander were to have bestowed a Protestant church on a Catholic congregation or an any of the various sects of Christians (I speak without disrespect of any) which swarmed through the land in his day, and suppose, on the restoration, it was to be claimed, and a legal process instituted for its recovery, would the decision of that claim in favor of the original owners, be a proof of bigotry or oppression in the Church of England? Why then should that be called bigotry in one case, which would be an act of justice in the other? Talk of bigotry in France from Catholics to Protestants! In that country both were alike eligible to places of trust and power in the state; but whoever heard in any of their public assemblies—in the Chamber of Deputies—of a Lethbridge or an Inglis getting up in his place and reviling with coarse epithets the religion of his Protestant fellow-subjects? (By the way, I intended to make a few remarks on the Index Expurgatorius of Sir H. Inglis, but I forgive him.) To those who talked of Catholic bigotry I would say, let the Catholics of this country be placed on the same terms of equality with their Protestant brethren, as the Protestants of France are, with respect to their Catholic fellow-subjects, and I would rest perfectly satisfied.

I fear I have trespassed too long on the patience of the meeting—but there were one or two points more on which I would say a word. The bill which the Lords had rejected was accompanied part of the way in the other House, with two measures called its wings. Those measures were condemned by some who were friendly to the great question; but the Catholics of Ireland were not the authors of those measures; they were no party to their origin. Of that bill which went to make a provision for the Catholic clergy I would say, that the clergy desired no such provision. They are content to serve their flocks for the humble pittance which they now receive. The rewards to which they looked for their incessant and valuable labors, are—let every hair of the Bishop of

Chester's wig stand on end at hearing it—not of this but of another world. It is not the Catholics who desire those measures. They are sought for by the Protestants, who look upon them as some sort of security; and the Catholics are disposed to make some sacrifice to honest prejudices, by acceding to that which they did not approve. It was this feeling which produced those measures, and brought on that ridiculous scene of one of his Majesty's ministers strongly objecting to the "wings," while another was eagerly flapping them on, until, like the tomb of Mahomet, the Catholic bill hung suspended between the two counteracting influences. As to the second bill, respecting the forty shilling freeholders, it is one which I cannot approve. I am too much of a reformer, and of that class called "radical," to wish for any such alteration. I did assent to it only because it was considered that Protestants desired it. I would much rather have emancipation without it. They are now, however, gone by, and I hope they will never again make their appearance—certain it is, I shall never wish for them, unless they are earnestly desired by the Protestants.

I now, my lord Duke, take my leave; I fear I have exhausted the patience of this meeting. I am grateful for the attention with which I have been heard; I have spoken under feelings, perhaps, of some irritation—certainly under those of deep disappointment. A crowd of thoughts have rushed upon me, and I have given utterance to them as they arose, without allowing my judgment a pause as to which I should select and which restrain. I now go back to my own country, where I expect to find a feverish restlessness at having insult added to our injuries. Our enemies—perhaps I ought to say opponents—have offered this insult; they have barbed with disgrace, the dart of death. It will be impossible not to expect a degree of soreness at the way in which our claims have been met—at this additional insult. It is impossible not to feel disappointed at the manner in which we have seen Lord Liverpool truckle to the nonsense about the coronation oath (some person here said No, no.) I repeat it, he did; and my conviction is that all we heard reported of him in the newspapers was dictated from that quarter. We shall now return to Ire-

land, and there advise our countrymen to be patient—to bear the further delay of justice with calmness, but not to relax their fair, open, and legitimate efforts in again seeking for their rights. They have put down one association; I promise to treat them to another. They shall trench further on your liberties—they shall dive deeper into the vitals of the constitution before they drive us from our purpose. We shall go on, but it will be without anger or turbulence. In that steady course we will continue to use all legitimate means to accomplish our object, until English good sense shall overcome bigotry in high stations—shall put down intolerance in persons great in office—until the minister be driven back to the half honesty which he before possessed, or to that retirement which he rigidly deserves."

SPEECH ON THE TREATY OF LIMERICK, 1826.

[On submitting to the Catholic Association, in 1826, the draft of a petition to parliament, asking that the provisions of the treaty of Limerick be carried into effect, Mr. O'Connell spoke as follows:]

The question is narrowed to a single point, and to any one reviewing the facts which history presented, it was impossible to deny that the treaty has been foully and flagitiously violated. The penal code was a violation of it, and while a particle of that code remains, so long the solemn compact entered into between the English government and the Irish people is a disgraceful monument of British perfidy. That treaty was a solemn, deliberate and authorized agreement. It was signed by bishops and commanders, and it was signed by Ginkle, who had the command of his government to give even better terms than it insured, and to make peace on any conditions, no matter how favorable to the people of Limerick, and of course to the whole people of Ireland. Who is it, who looks at history, that can be surprised that the wish to effect a peace should exist on the part of the English? At the time of

the war England was split into parties and dissensions. William had the adherence of the Whigs to his cause, but the Tories, who were the more numerous, though not so powerful, were arrayed against him. The Tories were like the cowardly Orange faction of the present day; they were mean and dastardly, and took especial care to keep themselves from every enterprise in which their persons would be endangered. The Scotch highlanders, a brave, hardy, and chivalrous race, who were Catholics, were devoted to the house of Stuart, and so were those of the lowlands too. The Calvinists of that country were in the same situation with the Irish of the present day; their consciences were oppressed—their religious liberty was restricted. They fought however in the field for their religion. Their efforts, although courageous and adventurous, were not suited to the meek spirit of Christianity. I would not fight for religion, because religion does not inculcate nor sanction such an act; but for my civil rights, I trust in God, there is no man who has a more sincere regard for their value, or who would make greater sacrifices and efforts for their defence. In England there were many enemies against William, and his situation was precarious. In Ireland his prospects were bad and discouraging: the Irish forces, though in part unsuccessful, were not discomfited, and they were learning those rules of discipline, without which an army is no more than a mob. The battle of the Boyne was lost not by the inferiority of the Irish forces, but by the paltry, pitiful cowardice of James. He only appeared once in the battle on that day. He made only one appeal, and that was when the soldiery of England was cutting down by the troops of Ireland under Hamilton—then he exclaimed, "O spare my English subjects!" Like another Duke of York he took up his position in the rear, and the races of the Helder had a glorious prototype in the races of the Boyne. "Change generals," exclaimed the gallant Regan, in the evening when the battle was done, "Change generals, and we will fight the battle over again!" Three thousand were wounded in that battle and but three hundred were taken prisoners! How illustrative of the humanity of the conquerors! Still Clare was open, and its batteries were in possession of the Irish. The fortifications

of Limerick were yet at their command—French succors were daily expected—the war between England and France was already declared—and with such opposition, were it not for the treaty of Limerick, William would have been driven back into Holland, if even there he would have found a refuge from the French. The winter was fast approaching. His armies consisted of some Dutch and some Brandenburg troops, and some that were called Irish on whom no reliance was placed: they were the Enniskillen and Londonderry regiments. Oh! what regiments these were! Schomberg, in speaking of them, was only puzzled to decide which of the two regiments was more thievish, because both the regiments were much less remarkable for their valor than for their propensity to rob and steal. Their officers were peasants—plebeians who had advanced themselves by their baseness, and like the Orangemen of the present time, they were formidable only to an unarmed people. It was not unlikely that Mr. Dawson was the descendant of one of these peasants. The pleasure he felt in reverting to those times might probably be thus accounted for. This Mr. Dawson, who, if he were not a clerk in office, would not be worthy of contradiction, asserts many extraordinary things respecting this country. He felt no interest in preserving its character, because, like his brother Orangemen, he was not indigenous to the soil. They must certainly be exotics, for if half their venom was natural, the influence of St. Patrick would be effectual in banishing the reptiles from among us. But the reptile still lives, and here are its hisses.

[Mr. O'Connell here took up a printed report of Mr. Dawson's speech.]

Mr. Dawson tells us that the history of Ireland is a mere waste—not a spot in it to vary the dismal scene but Londonderry, that furnished the robbers to Marshal Schomberg. "Let us trace," says he, "its dark and bloody progress. When a foreign foe invaded, it shrunk at the foot of an insignificant conqueror." And this is what Mr. Dawson said of a country to which he boasts of belonging. Let me tell him this country was never beat. It was by Irishmen she was always ruined. Their treachery and disunion were the cause

of her defeat. Four fifths of the Irish troops joined the Cromwellian invaders under Dermot, and it was to their desertion, and not to the superior arms of her enemies, that her conquest was attributable. Mr. Dawson proceeded—"continued insurrection, intestine wars, bloody massacres, treacherous treaties." Treacherous treaties! Come forward, Mr. Dawson, with your native host of Orangemen, and prove infraction of one single treaty on the part of the Irish. I ask but one. But he takes care to make the charge general. Oh! that is the way in which libels and malignant imputations are uttered and circulated; for he knows he cannot substantiate it. "Versatur in generalibus." Oh! how fatally true the Irish were to their treaties may be read in that of Limerick. The treaty was signed before communication was had to the other part of the army, which were, Mr. Chairman, under the command of an ancestor of your own. Before it was completed, the French fleet with men and arms arrived at Dingle. Some argued that the treaty was not binding—that it had been agreed upon only in the South. What was the reply? "We know we are not bound by the treaty, but Irish honor is pledged, and never shall we stain it." And well did they observe it. They dismissed the French troops—they admitted their enemies. They relied on English faith and Orange honor, and the consequence, the natural consequence, was that they were duped. But I turn on Mr. Dawson and say to him—you accuse us of violating treaties; if you cannot show me one you are a slanderer. And I turn on him again and say—show me one solitary treaty that England has ever performed toward us, and I will forgive her all the rest. No, sir, from the time the first footstep of the Saxon polluted our land, down to the last, and not least flagrant breach of faith at the execrable Union, I defy him to show me one compact between England and this country, that has not been treacherously and basely broken. The description of a treaty with the Irish, given by Clarendon, shows that the intention, at the moment of entering into them, was to delude and betray us. Next, Mr. Dawson says: "A systematic combination against the introduction of the arts and blessings of peace are (with those qualities he before stated) to be found in mournful succession throughout the lapse of centu-

ries." Really, this is very, very heartrending. They first take away our possessions, our rights, our wealth, and every incentive to labor and industry, and then one of that very faithless and base crew who betrayed us, an underling of a minister, is sent to thwart and irritate us—to charge us with the effects of their own perfidy, and to remind us of the blessings we have lost by being the victims of their diabolical deceit.

"During five or six centuries," says Mr. Dawson, "the history of Ireland presents not one single fact to claim the admiration or even the respect of posterity." The blundering bigot then, with a classic affectation, asks: "Where can we look for one green spot to cheer us in our gloomy pilgrimage?" Oh, hear this Orange bigot asking for a green spot! I was reading at the very time I received the newspaper with Mr. Dawson's speech, a passage in a work which has been ever and is still looked up to as a high authority on the subject of which it treats. It is an account of the injuries and massacres of the Irish in 1641, by Dr. Curry, and there the occurrence to which I allude is to be found. Many, innumerable instances could be drawn from the historians of the times in which Mr. Dawson's ignorance delights to revel, not of one fact, but of hundreds of facts, calculated to elevate the character of the Catholics of Ireland. Speaking of the county of Mayo, the historian says: "In this county few murders were committed by either side, though the libel saith, that about two hundred and fifty Protestants were murdered, whereof at Belluke two hundred and twenty; whereas not one person was murdered there, which the now Lady of Montrath can witness; her ladyship and Sir Robert Hanna, her father, with many others, being retreated thither for security, were all conveyed safe to Manor Hamilton. And it is observable that the said lady and the rest came to Mr. Owen O'Rorcke's, who kept a garrison at Drumaheir, for the Irish, before they came to Manor Hamilton, whose brother was prisoner with Sir Frederick Hamilton. And the said Mr. O'Rorcke, having so many persons of quality in his hands, sent to Sir Frederick to enlarge his brother, and that he would convey them all safe to him. But Sir Frederick, instead of enlarging his brother, hanged

him the next day, which might have well provoked the gentleman to revenge, if he had not more humanity than could be well expected upon such occasions, and in times of so great confusion; yet he sent them all safe when they desired." Yes, he sent them all safe when they desired. He did what he ought to do, harrowed as his heart must have been at the atrocious outrage that had been committed by his rash and ferocious enemy. He did what an Irish gentleman did do, and does do—he spurned at cruelty. He was not goaded, even by the example set him, into an imitation of barbarity. His honor stifled his sense of injury. I will give that fact to Mr. Dawson, and let him make the most of it, in classic fulminations against the Catholics of Ireland. Let Mr. Dawson read this fact, and if he persist in aspersing his native land after the perusal of it—if he should then impugn the chivalrous generosity—the humanity—the virtues of Ireland, I will only say, that if Ireland has produced generous hearts and dispositions, she has also produced monsters and anomalies, which have turned what was intended to be one of the gardens of the world into the pitiful pelting province that she is at this moment!

Mr. Dawson had said that the object of James II. was to establish the Catholic religion both in England and Ireland, and with it unlimited despotism. This was a false assertion; he did no more than to proclaim toleration, and this was enough for the Dawsons of the day to expel him from the throne. The prosecution of the seven bishops I now condemn, and if I had lived in the day of the occurrence I would have condemned it then. Mr. Dawson says, that in order to effect the purpose of establishing an unlimited despotism in Ireland, James proceeded to remodel the civil establishments, and he accordingly displaced every Protestant who held an office in the administration of justice, and filled up the place of chancellor, chief judges, puisne judges, privy counsellors, sheriffs, magistrates, and even constables, with Catholics. Talking of constables reminds me of the Dublin corporation; that immaculate body once petitioned for the removal of Mulvaney, the scavenger, from his functions, because he was, contrary to law, a Papist! Oh, what a relentless spirit! They would not

allow a Papist to fill even the dirtiest office of the state. It is asserted by Mr. Dawson, that all the judges appointed by James were intolerant. This is false; James nominated only three judges—Nugent, Lord Riverston, Sir Stephen Rice, and Daly. Would to God all Judge Dalys were like him. He never raised himself to the bench by destroying the interests of his country. He never devoted his leisure hours to calumniating his wretched, ragged countrymen! All three individuals nominated by James to the bench, were remarkable for their purity and perfection. They are quoted by Protestant writers as the models of judicial knowledge and purity. It was related of Rice that he gambled his property, and this was the only blemish that ever sullied his reputation. They lived in troubled times and they survived them. They did not fly, as they would have done if they had been guilty of a crime or a dereliction of duty. They lived honored and respected, and they descended to their graves without taint or reproach, having served their King well, and I trust having served their God better. Oh! it is only Orange bigotry that could ransack the very graves to find materials of insult; but in this instance, as in every other, it has failed, and I defy it to the proof. Mr. Dawson had alleged it as a charge, that it was enacted by James that three fellows of the University were prohibited from meeting together. Even if it were so, how did the enactment differ from the enactments usual in all cases of civil commotion. What was this act intended to prevent but a Protestant insurrection? Flagrante bello, it is provided that there shall be no meetings of persons who might conspire to cause a public tumult, and this which is now practiced—nay, which is carried to an unparalleled extent in Ireland under the present government, is charged as a crime upon James. But it should not be forgotten that by the repeal of that act of settlement, the monarch himself was a sufferer to an immense amount. The passing of that act, however, might not be justified, but decidedly any act that would tend to subvert it would be unjust. Transfers and conveyances had been made to such an extent, that it would be an unjustifiable crime to disturb them. I have been accused of recommending the repeal of the act of settlement, and I dare say I will now be

accused of recommending it. But as a proof of my sincerity in defending it, I will say that if that act were annulled I would be comparatively a beggar. My property hangs upon its continuance. The property of my two brothers, who are both independent, hangs upon the same title. What then have I to gain by a change? Mr. Dawson had complained of the attainder of two thousand six hundred Protestants by James. But what was there in that, worthy of reprobation? Those attainted men had fled the country; they were told that if they did not come back within a certain period they would be attainted. They did not return and they were attainted! Why should they not? They were attainted because they were enemies of the King; and if they were not enemies of the King, they were base cowards, for they ran away when their country needed their assistance in its cause. In Athens it was the law that every man who was neutral was criminal—"He who is not for us is against us." And shall it be said that those who fled from their country when she needed their energies on her behalf, were not deserving of obloquy and punishment?

Mr. Dawson had said that the parliament of James was Catholic. I admit the fact. But let Mr. Dawson show me any act of their doing that can shake their purity and honesty! Let him show me an act even proposed for the purpose of oppressing the consciences of Protestants! No, the parliament of that day sat in friendship with a few Protestants, and their Bill of Rights was more extensive even than that of England. Even after the excesses and cruelties that had been committed against the Catholics, when they were deprived of power, and when they regained it, was there a system of blood and cruelty or their part, although they had the dominion if they used it? Under Mary the Catholics of Ireland were not persecutors, and again under James they wielded their power in mercy and toleration. They forgot the persecutions which their body endured under Elizabeth, and they only bore in recollection the character of their religion, which taught them to give charity and good-will for persecution and cruelty. Mr. Dawson had said that King James had taken away their churches from the Protestants. This assertion, as well as the other assertion, made by that profound statesman, was false.

This statement was derived from the pure pages of Archbishop King's work. The cathedral of Christ's Church in Dublin was the King's chapel, and it was in that case alone that James exercised his authority, and in dispossessing the holders of that cathedral he acted under his royal right and was not influenced by his religious feelings. The contrary was the fact with regard to Wexford. In that county the Catholic soldiery had taken possession of a Protestant church, and when James heard the circumstances he ejected the soldiery and restored the church to its owners. Doctor Leslie, a learned divine of the Protestant Church, had challenged the accuracy of King's book, and had denounced and refuted it, and now, after such a lapse of years, Mr. Peel sends out his underling, Mr. Dawson, his clerk, to repeat the calumnies. Who was this King? He was a vile parasite of James? He was the ecclesiastic who prayed from his pulpit, that God might blast him if he ever preached any other doctrine than passive obedience, and at another time, that God might blast and destroy William and his consort, if they had any intention of invading this country! He—he is the vile toad-eater, who has denounced the monarch whose feet he kissed! Dopping, who preached up that there was no faith to be kept with the Catholics of Limerick, was the first to present an address to King James on his landing. What an exquisite pair of defenders of the violation of the treaty of Limerick! What immaculate authority for Mr. Dawson to quote from! Is it to be endured that Peel, who knows nothing of the history of these times, or the history of our country, is to send out one of his clerks to blow up, with his pestiferous breath, the embers of those unholy fires of bigotry which had been nearly extinguished by the superincumbent influence of liberality and good fellowship, and to excite, by his evil agency, the inflammable materials of Irish society? Before I conclude, I will read an extract from a work written by Mr. Storey, a chaplain in the army of King William, who is a tolerably good authority on the bravery of the Irish troops, which Mr. Dawson has repudiated:

Wednesday, the 24th. A breach being made near St. John's Gate, over the Black Battery, that was about twelve yards long, and pretty flat,

as it appeared to us, the King gave orders that the counterscarp should be attacked that afternoon, to which purpose a great many woolsacks were carried down, and good store of ammunition, with other things suitable for such work. All the grenadiers in the army were ordered to march down into the trenches, which they did. Those, being about five hundred, were commanded, each company, by their respective captains, and were to make the first attack, being supported by one battalion of the Blue Dutch on the right, then Lieutenant Douglass's regiment, Brigadier Stuart's, my Lord Meath's, and my Lord Lisburn's, as also a Brandenburg regiment. These were all posted towards the breach, upon the left of whom were Col. Cutts and the Danes. Lieutenant General Douglass commanded, and their orders were to possess themselves of the counterscarp and maintain it. We had also a body of horse drawn up to succor the foot upon occasion. About half an hour after three, the signal being given by firing three pieces of cannon, the grenadiers, being in the furthest angle of our trenches, leaped over and ran towards the counterscarp, firing their pieces and throwing their grenades. This gave the alarm to the Irish, who had their guns all ready, and discharged great and small shot upon us as fast as 'twas possible. Our men were not behind them in either, so that in less than two minutes, the noise was so terrible that one would have thought the very skies were ready to rend in sunder. This was seconded by dust, smoke, and all the terrors that the art of man could invent to ruin and undo one another; and to make it the more uneasy, the day itself was excessively hot to the bystanders, and much more sore, in all respects, to those upon action. Captain Carlisle, of my Lord Drogheda's regiment, ran in with his grenadiers to the counterscarp, and though he received two wounds between that and the trenches, yet he went forward and commanded his men to throw in the grenades, but in the leaping into the dry ditch below the counterscarp, an Irishman below shot him dead. Lieutenant Burton, however, encouraged the men, and they got upon the counterscarp, and all the rest of the grenadiers were as ready as they. By this time the Irishmen were throwing down their arms and running as fast as they could into town, which, our men perceiving, entered the breach, pell-mell, with them, and half the Earl of Drogheda's grenadiers and some others were actually in town. The regiments that were to second the grenadiers went to the counterscarp, and, having no order to proceed, they stopt." [I engage they did, they stopt sure enough.] "The Irishmen were all running from the walls, and quite over the bridge into the English town; but seeing but a few of our men enter, they were with much ado persuaded to rally, and those that were in seeing themselves not followed, and their ammunition being spent, they designed to retreat, but some were shot, some taken, and the rest came out again, but very few without being wounded. The Irish then ventured upon the breach again, and from the walls and every place so pestered us upon the counterscarp, that, after nigh three hours resist-

ing bullets, stones, broken bottles, from the very women, who boldly stood in the breach and were nearer our men than their own, ..."

And here I will pay a tribute to the heroic virtues of these women, who thus sacrificed themselves for their country's honor. An officer of the Irish army was wounded. The instance is one of singular interest, arising from female courage and presence of mind. He was wounded, and was flying into his own house, and was pursued by an enemy. He had gained his door, and his wife, from a window in the house, was a witness of his efforts to escape from his relentless pursuer. The window-stone was loose, and it was a ready instrument for her purpose. Her husband was nearly a victim to the revenge of his foe, who had just stepped upon the threshold, when the impulse of the mind of the fond and courageous woman gave a strength and energy to her efforts,—she hurled the stone upon the ruffian's head, and he bit the dust. Oh, what splendid devotion to country! Would there have been an Irish heart among the Irish, if they did not beat out their invaders, stimulated as they were, by such heartcheering examples.

[Mr. O'Connell resumed the reading.]

...."whatever ways could be thought on to destroy us, our ammunition being spent, it was judged safest to return to our trenches. When the work was at the hottest, the Brandenburg regiment, who behaved themselves very well, had got upon the Black Battery, when the enemy's powder happened to take fire, and blew up a great many of them, the men, fagots, and stones, and what not, flying into the air with a most terrible noise. Colonel Cutts was commanded by the Duke of Wurtemburg, to march towards the spur at the south gate, and beat in the Irish that appeared there, which he did, though he lost several of his men, and was himself wounded; he went within half musket shot of the gate, and all his men were open to the enemy's fire, who lay secure within the walls. The Danes were not idle all the while, but fired upon the enemy with all imaginable fury, and had several killed, but the mischief was, we had but one breach, and all towards the left, it was impossible to get into the town when the gates were shut, if there had been no enemy to oppose us, without a great many scaling ladders, which we had not. From half an hour after three till after seven, there was one continued fire of grape and small shot without any intermission; insomuch that the smoke that went from the town reached in one continued cloud to the top of a mountain at least six miles off. When our men drew off, some were brought up dead, and some without a leg, others wanted

arms, and some were blind with powder, especially a great many of the poor Brandenburghers looked like furies, with the misfortune of gunpowder. One Mr. Upton, getting in amongst the Irish in town, and seeing no way to escape, went in the crowd undiscovered, till he came at the Governor, and then surrendered himself. There was a captain, one Bedloe, who deserted the enemy the day before, and now went upon the breach, and fought bravely on our side, for which his Majesty gave him a company. The King stood nigh Cromwell's fort all the time, and the business being over, he went to his camp very much concerned, as indeed was the whole army; for you might have seen a mixture of anger and sorrow in everybody's countenance. The Irish had two small field pieces planted in the King's Island, which flanked their own counterscarp, and in our attack, did us no small damage, as did also two guns more that they had planted within the town, opposite the breach, and charged with cartridge shot. We lost at least five hundred upon the spot, and had a thousand more wounded, as I understood by the surgeons of our hospitals, who are the properest judges. The Irish lost a great many by cannon and other ways; but it cannot be supposed that their loss should be equal to ours, since it is a much easier thing to defend walls, than 'tis by main strength to force people from them; and one man within, has the advantage of four without."

[Here followed a list of officers killed and wounded, needless to be recounted.]

Are we after this to be told by Dawson that our countrymen were not brave, and would not succeed, if they had held out? In a base violation of the treaty, which had been signed before the walls of Limerick, the privileges and immunities promised, were denied,—the treaty was broken—it stands a record of British perfidy! Our ancestors, sir, for I, too, may say that blood runs even in my veins from those who fought before Limerick, are denied their rights! Your noble brother, degraded from his natural rank, is unrepresented and unrepresenting. He neither has a vote in the election of his own order, nor the voice of a Forty-shilling Freeholder in returning a member to the Commons' House of Parliament. Where is the liberty the Catholics enjoyed under Charles I., which was secured to them by the treaty of Limerick? Tell me that, Mr. Dawson. Tell me that, Orange faction. Let Mr. Peel bring his borough members, who come in when the division bell is rung, to assert facts contrary to reason and religion against us; but let them not insult us

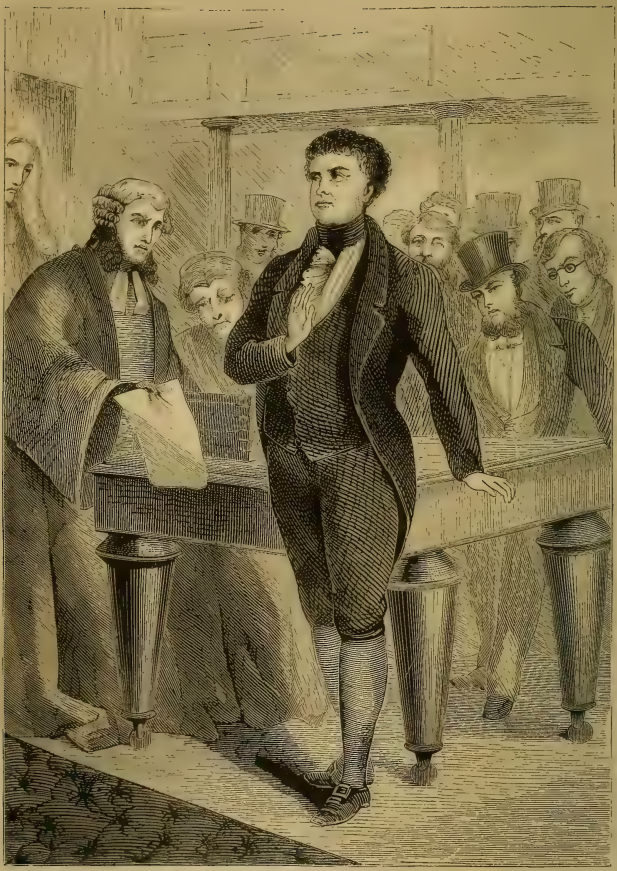
by saying that the treaty of Limerick has not been foully violated.

There is another trait of Mr. Dawson's hypocrisy that is worth mentioning. After my examination before the Parliamentary Committee, Mr. Dawson came up to me, and told me, in the weakness of his heart, that my evidence had removed many prejudices from him, and that his opinions on many subjects were altered. I rejoiced at the declaration, and I respected him for making it at the time. I mentioned in public the fact, and stated that Mr. Dawson had shaken hands with me in the interview, and this part of the relation it was deemed necessary to contradict in the Dublin Evening Mail. I do not know whether he shook hands with me or not. I hope now he did not. I would shrink from any contact with a man who could make such a declaration to me as he did, and since falsify it by his acts.

I have done—I have shown that the treaty of Limerick was foully violated. I arraign those who perpetuate the violation by their hostility to us, and to our cause. I arraign their bigotry in the face of the world; and I demand in the name of humanity and justice and faith, that at least the terms of the compact should be fulfilled.

SPEECH AT THE BAR OF THE HOUSE OF COMMONS, TO MAINTAIN HIS RIGHT TO SIT AS MEMBER FOR CLARE.

I CANNOT, sir, help feeling some apprehension when I state that I am very ignorant of the forms of this House, and therefore that I shall require much indulgence from you, if, in what I am about to say, I should happen, by anything that may fall from me, to violate them. I claim my right to sit and vote in the House, as the representative for the county of Clare, without taking the Oath of Supremacy. I am ready to take the Oath of Allegiance, provided by the recent statute, which



O'CONNELL REFUSING TO TAKE THE OATH.

was passed for the relief of his Majesty's Roman Catholic subjects. My desire is to have that oath administered to me, and of course I must be prepared to show that I am qualified in point of property; and whether the House thinks I can take the new oath or not, if I am required to take both, I am willing, at my own hazard, to sit and vote in the House. My right is in its own nature complete. I have been returned as duly elected by the proper officers. It appears by that return, that I have a great majority of the county of Clare, who voted for my return. That return has since been discussed in a committee of this House, and has been confirmed by the unanimous decision of that committee. I have as much right to sit and vote in this House, according to the principles of the constitution, as any of the honorable or right honorable gentlemen by whom I am surrounded. I am a representative of the people, and on their election I claim the right of exercising power with which their election has invested me. That question cannot arise at common law; it must depend only on the statute, whether a representative of the people is bound, before he discharges his duty to his constituents, to take an oath of any description. Up to the reign of Elizabeth, I believe I am correct in saying that no such oath existed. Up to the close of the reign of Charles II., no oath was taken within the House; the 30th Charles II. was the first statute requiring any oath to be taken within the House itself. The Oath of Allegiance (and no man is more ready to take the Oath of Allegiance than I am), the Oath of Supremacy (and there were very few in Parliament at that time who would not take it), and the Declaration, were for the first time introduced by that statute; and it not only required them to be taken and subscribed, but it went on to provide remedies against individuals who should neglect or refuse to take and subscribe them. Among those remedies, some of which were of an exceedingly extensive, and I may almost call them of an unlawful nature, was a pecuniary penalty of five hundred pounds; which I mention because I shall again call the attention of the House to it, before I close what I have to offer to its consideration. The purpose of that statute was obvious; it was stated to be "for the mode of serving the King's person and government,"

and the mode of attaining that object was disabling Papists from sitting in either House of Parliament. I am, in the discourteous language of the act, a Papist—I come within their description. I cannot take the oath prescribed, and shall shrink from signing the Declaration. The object of the statute is sufficiently clear from its title, and the construction of the statute must follow from that title. Therefore it is perfectly evident that as long as this act remained in force, it would have been vain for the people to elect me for any county or borough, as I could not exercise the right vested in me. The law declares expressly, that a refusal to take the oath shall be followed by the vacating of the seat, and the issue of a new writ.

Up to the period of the Legislative Union with Ireland, this statute, by means of other acts, was enforced, that is, it was partially enforced; the Declaration was enforced, and I find, by reference to the statute, which I took out of the library of this House, that, as to the oaths, they were repealed by 1st William and Mary, section 1, chapter 1. That act altered the form of the Oath of Supremacy; therefore, it was an oath asserting affirmatively that the supremacy in spiritual matters was in the crown, but that act negatives the foreign supremacy or spiritual jurisdiction. So stood the statute law until the period of the Legislative Union with Ireland. At that period, in my humble opinion, an alteration took place in the effect of the statute law. I respectfully submit, that at that period this alteration took place in the law—that whereas, by this statute of Charles II., and by that of 1st William and Mary, pains, penalties and disabilities were enacted against any man for sitting and voting without having taken the oaths, the direction of the act of Union was, that every man should take the oaths, but it imposed no pains, penalties or disabilities. I submit that the statute of Charles the Second could not operate upon this parliament; that it was an act of the English parliament; even a statute passed after the union with Scotland, could not operate; nothing can operate in this parliament but a Union statute, or a statute subsequent to the Union. This seems to me a perfectly plain proposition, such as no lawyer can controvert, and such as no judge

could possibly overrule. First, then, I claim to sit and vote without taking the oaths, by virtue of the Union Act. Secondly, I claim under the Relief Bill to sit and vote without subscribing the Declaration. Thirdly, I claim under the Relief Bill to sit and vote without taking the Oath of Supremacy: and, fourthly, I claim, under the positive enactments of the Relief Bill, to sit and vote without taking any other oath than that mentioned in the Relief Bill itself. I will endeavor to go through these four topics as briefly as possible.

The Union Act, as I before remarked, certainly directed the oaths to be taken, but with equal certainty it did not annex pains or penalties in not taking them. It did, however, direct them to be taken, and it is for the House to determine whether it has authority to prevent any man from exercising the right of representation without taking those oaths. I do not mean to canvass that point at great length: I do not mean to concede it, because I cannot; I state that there are precedents passed *sub silentio*, where gentlemen after the Union having neglected to take the oaths, private acts were brought in for their relief. But I put it to the House in its judicial capacity; and, having put it, I shall have it at once, whether the Union Act, not having given the power of depriving a representative of his right to sit and vote, the House could do it of its own authority, without the warrant of an express law. I would respectfully remind honorable members that this oath is a species of disherison of the public at large; I would remind them also, that those thus rendered ineligible are rendered ineligible for no other reason than the conscientious respect to the sacred obligation of an oath. It excludes a meritorious class, and admits all who neglect or disregard the sanction to which I have referred; it calls upon the people to elect the careless, the fearless, the mendacious, and it proceeds upon the bad principle of making a selection of the vicious to the exclusion of the conscientious. That being the spirit and principle of the law, I humbly submit to the House whether it would carry that spirit and principle into specific execution. I think if I stood on the Act of Union alone, I should stand firmly in this assembly of Christians and gentlemen, calling

upon them not to give effect to that vicious principle—not to encourage

"The strong antipathy of bad to good;"

not to promote the choice of such as are hostile to those who reverence the sacred obligation of an oath, but to throw open the doors as wide as possible to all who will illustrate this assembly by their virtues and their talents. I quit that point and come to the next, to which I revert with pleasure, I found it on the Relief Bill.

I insist that the effect of this Relief Bill is to do away with the direction of the Union Act, as far as it relates to oaths. I will canvass that proposition first. The Union Act directed that these oaths should be taken for a particular period, and for a particular period only. The direction is, "And every member of the House of Commons in the United Kingdom, in the first and all succeeding parliaments, shall, until the Parliament of the United Kingdom shall otherwise provide, take the oaths," etc. I contend that this direction is at an end—upon this direction depends the Oath of Supremacy, and my argument is that the period is arrived. The statute uses the adverb "until"—the provision was merely temporary and the period has expired. The Act of Union provides that certain oaths shall be taken until something shall happen. Has that happened? That is the only question. Let me see whether I can give an answer to the question. I say it has: that is my assertion, and how do I prove it? I take up the statute and I find—what? that the Declaration is forever abolished. Has not the House, in the words of the Act of Union, "otherwise provided?" This is a penal and restrictive act: it is restrictive of the people's right. I take up the statute and I see that the Parliament has otherwise provided—not for Catholics alone—not for Protestants alone; but for Catholics, Dissenters, and Protestants—all without limitation or restriction. That the period has arrived, I have distinct evidence in what happened to myself at the table. The oaths then tendered to me were different from those which would have been tendered before the 13th of April; the document produced was new: it was fresh for the occasion; it was a novel introduction into the House.

On one side were the oaths for Protestants, and on the other those for the Catholics: and why was this? Because the Legislature has "otherwise provided" than at the date of Union. As one of the representatives of the people, I claim the benefit of the provision: I claim to come not within any of the oaths. If the new provision has not embraced every case, it is either the wisdom or defect of the act; but either in one case or in the other, the time contemplated has come, and I claim my right just as if the Union statute did not exist. But suppose that what I have said has not convinced the House, let me call its attention to the bill, and remind the House that in construing it, there are general principles of common sense to enable us to decide on the construction of a statute, as well as any bench of judges to decide on any intricate point of law.

Previously to the Union and to the passing of the act of 30 Charles II., the object of the Legislature was to prevent Papists from sitting and voting in parliament, and any decision of the House upon that statute must be a decision ancillary to that object. The object of the statute of Charles was to exclude Papists; but here is now before me a statute whose object is to open the doors to the Roman Catholics, and to annihilate the bar that has hitherto impeded their progress. First, I say, that this Relief Bill, like many others, sometimes takes up a portion of the subject in the middle—then it goes at once to the commencement, and again reverts to some other part of the subject: at all events it is not so methodical in its construction as to enable me to give at once an analysis of its contents. The second section provides for the case of all Roman Catholics being peers, and it enables them to sit and vote on taking the new oaths. It applies as well to the peers created in the period that intervened between the statute of Charles II. and the present day, as to those peers whose titles and rights existed prior to that statute; of these there were two who were deprived, I may now say, because it has been admitted in the Legislature, by an unjust attainder—Lord Kenmare and Lord Baron Ffrench. They were created peers during the period when it was impossible for either of them to exercise the right of the peerage by sitting and voting in parliament. This act

has admitted them to those rights. As the prerogative of the Crown has been restored to its full effect by means of this statute, so the right of representation has been made an equal right: as the royal prerogative has been perfectly successful, the privilege of the people ought to be equally potential. There are, however, these words in the second section: "or who shall after the commencement of the act be returned as a member of the House of Commons to sit and vote in either House of Parliament respectively." After the passing of the act everybody is to be entitled to the benefit; and I beg the House to reflect that if I be not by the second section included, I am not excluded by it; though it does not affirmatively establish my right, it does not negative it by any enactment; it may not be sufficient to admit me, but there is nothing to shut me out. One point alone includes me, and it is a point of legal construction, depending on the authority of cases which I shall not now analyze. I might do so as a lawyer, were I addressing a bench of judges, but before a popular assembly, I ought not to occupy time in any such attempt. I only allude to them in order that if a court should hereafter decide that my argument is valid, it would impose upon me the necessity of taking no oaths at all, or else protect me against the exaction of the penalty.

The construction which a lawyer may put upon the statute, I apprehend, would be, that he who was returned before the passing of the act, was embraced within its provisions; and the House will give me leave just to mention that it has lately been solemnly decided in the case of a will, that notwithstanding the peculiar wording of it, children born after the date of the instrument, were included in its provisions. I will only remind the House of these technical rules, which I trust will never be carried into effect at the expense of any whom I am addressing. I repeat, that if the second section does not include, it does not exclude me. It may be said that it was framed for other objects—to let in persons who have claims like those of the Earl of Surrey; and here let me claim the assistance of the legal gentlemen in the House. Beyond a doubt—and I call their particular attention to the fact—if the second section does not aid me, it cannot possibly injure my

right to sit and vote. I come then at once to the right—I come to it under the tenth section of the act; and I implore you to forgive me for trespassing so long upon other matters, when I have this section before me, which seems to render doubt impossible.

"And be it enacted, that it shall be lawful for any of his Majesty's subjects professing the Roman Catholic religion, to hold, exercise, and enjoy all civil and military offices and places of trust and profit under his Majesty, his heirs or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are, or may be, now by law required to be taken for the purpose aforesaid, by any of his Majesty's subjects professing the Roman Catholic religion."

I claim the benefit of that section; it is plain and distinct, and includes no technical subtleties; there is nothing to throw a cloud over its clearness, and having read it, I might stand upon that alone. If then I touch upon other matters, it is only because, not having the right of reply, it is necessary for me to endeavor to anticipate. If, in my anxiety to remove all objections and obstacles, I attribute to honorable members weak arguments they would not have used, and which they may gravely disclaim, I hope I shall be forgiven. This section introduces the franchise; in common parlance, indeed, the franchise was introduced before, because the fifth section provides that Roman Catholics shall vote at all elections of cities, counties, and towns; and it provides a new oath to be taken. Therefore as far as franchise can mean the elective franchise, the act is so intentionally extensive, that it uses the word unnecessarily, perhaps, again. Nay, more, the franchise connected with corporations is actually mentioned again in the fourth section; thus in the fifth section it means one species of franchise, in the tenth section another, and in the fourteenth a third. For fear any franchise should be omitted and forgotten, lest any party should by chance be excluded from the benefits, which I hope and trust will flow from the act, the word franchise is to be found in three different parts of it. It then goes on to give all civil rights, excepting such

as are hereinafter mentioned. The first question is, whether the right of sitting and voting in parliament be hereinafter excepted? I meet that with a direct negative—it is not; but there are offices excepted in the twelfth section, such as guardians and justices of the United Kingdom, the Regent of the United Kingdom, Lord High Chancellor, Lord Keeper, Lord Lieutenant of Ireland, and High Commissioner to the General Assembly of the Church of Scotland. In the fifteenth section also, the civil rights are excepted, which might be exercised for ecclesiastical promotion, and for presentation to livings in the gift of corporations. These do not include the right for which I contend, and I shall not detain the House by going through the act more minutely. I have read it attentively, and I can assert that I find in it no such exception. I shall be asked, perhaps, whether the right to sit and vote be a civil right? And I would reply, if I were permitted to do so, by asking another question—if it be not a civil right, what is it? I have looked into law books with a view to this question of civil right, and I find that Mr. Justice Blackstone, in his Commentaries, has divided the whole law into rights and wrongs. On the front of his book is found the very right to sit and vote in parliament. But I appeal to common sense and common understanding, is it not a civil right? Must it not be a civil right? In the section itself I find civil contradistinguished from military—that Roman Catholics may "enjoy all civil and military offices." The section itself, therefore, explains the meaning of the term. But, travelling out of the section, and resorting to those who have best defined the meaning of the words in the English language, what do we find? Dr. Johnson tells us that "civil" is an adjective which means "relating to the community," "political: relating to the city or government." Now, "political" and "civil" must, by the by, mean the same thing; the only difference being that one word is from the Greek, and the other from the Latin. They are synonymous and identical, and no man can deny that sitting and voting is both a political and civil right.

The example given by Spratt fully supports this assertion—"but there is another unity which would be most advantageous to our country, and that is your endeavor, a civil political union in the whole nation."

The definition and description necessarily include the right I claim; but let us see what is the definition of that word "right." After giving other significations, Dr. Johnson proceeds to the third sense of "right," which is "claim," and he follows it by others, such as: "that which justly belongs to one,"—"property, interest,"—"power, prerogative,"—"immunity, privilege,"—in short, there is not one of these significations that is more comprehensive than I desire it to be. He inserts the following example of Sir Walter Raleigh, of "just claim." "The Roman Catholic citizens were, by the sword, taught to acknowledge the Pope their Lord, though they knew not by what right." This is a plain definition and description of civil right. It cannot mean "franchise," because franchisement has already been included—it cannot mean "property," because property is included in the twenty-third section of the act, which requires no oath at all for enjoyment of it:—from and after the passage of this act, no oath or oaths shall be tendered to, or required to be taken by, his Majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property." Thus, then, "civil right," in this act, does not mean property; it does not mean franchise, but it means, a just claim, a political privilege, an immunity of any kind whatever. Common sense here shows what the law sanctions—that by civil right, necessarily must be included the right to sit and vote. Another observation is, that this section relates to the time and manner of taking the oaths; but suppose I were to concede that no time and manner are expressed, yet the civil right being granted under the oaths directed, and the time and manner being the only condition, necessarily would supply the condition. We have in the nineteenth section the mode of taking the oaths for corporate offices, and in the twentieth, the time and manner of taking the oaths for their offices; but I will not detain the House upon that point, because in the twenty-third section the Legislature has wisely provided for the case. It declares:

"That the oath herein appointed to be taken and subscribed in any of the courts, or before any of the persons above-mentioned, shall be of the same force and effect, to all intents and purposes as, and shall stand

in the place of, all oaths and declarations, required and prescribed by any law now in force for the relief of his Majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties."

However, as there is no punctuation in acts of parliament, I shall not trouble the House with any special pleading on particular words, but come to the remaining and distinct portion of the section:

"And the proper officer of any of the courts above mentioned, in which any persons professing the Roman Catholic religion, shall demand to take and subscribe the oaths herein appointed and set forth, is hereby authorized and required to administer the oath to such person: and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed.'

There is the time, and that time is when it is demanded. The courts are also specified, viz., the King's Bench, Common Pleas, Exchequer, and Chancery. The time is as universal as the benefit of the statute was intended to be, and everything is complete to my purpose. The objection vanishes, because the time is as extensive as can be demanded. I have taken that oath in one of the courts named. I am ready to prove it. I produced the certificate at the table; and having taken that oath, and produced that certificate, I turn round and ask, why am I not allowed to exercise my rights? Let it be remembered that my case cannot be drawn into precedent; it can never occur again; and I ask the House, in construing the act, whether it intends to make it an outlawry against a single individual. If the act were meant to meet my case, why was not my case specified in it? It existed when the act was passed: it was upon the records of the House, for a committee had sat while the bill was pending, and had given in its report upon oath. Why, I ask again, was not my case specified? Because it was not intended to be included? Where, then, is the individual who would think it ought to be included? Let me call the attention of the House to the recital of the statute.

"Whereas, by various acts of parliament, certain restraints and disabilities are imposed on the Roman Catholic subjects of his Majesty, to which other of his Majesty's subjects are not liable,...."

It includes all restraints and disabilities affecting Roman Catholics; and proceeds—

"And whereas it is expedient that such restraints and disabilities shall be henceforth discontinued; and whereas by various acts, certain oaths and certain declarations, etc., are or may be required to be taken, made, and subscribed by the subjects of his Majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights; Be it enacted, etc., that such restraints and disabilities shall be from henceforth discontinued."

All are to be discontinued. What do I claim? That they shall be discontinued. It is a maxim of law that the recital of statute shall not control the enactments; but with this qualification, that although a particular recital cannot control a general enactment, there is no rule of law that a general recital shall not explain a particular enactment. But I have a general recital, and a general enactment too, in my favor.

If to sit and vote be not a civil right, what civil right was intended by the word, for every other is provided for? Why should this be excluded? Look at the recital and look at the intention of the statute, and shall I then be told that a doubt can arise as to the right to sit and vote? If I have not that right, what is to be done? Is the statute of Charles II., enabling the House to exclude me, still in force? What is to become of me? Am I to remain the representative for Clare? Will the House not let me in, and is not able to turn me out? What, I ask again, is to become of me? The statute of Charles II. imposed penalties for not taking the oaths and signing the declaration: among others there was a pecuniary penalty, and it continued in force until the union with Ireland. The first question I would ask the lawyers of the House then is this: Did the Union Act continue those penalties? I take upon me to say it did not. Then, I ask, can any penalty or punishment be continued on a free-born British subject, when an Act of Parliament, like that of the Union, is silent, and contains no enactment as to penalty? That is a question of constitutional law; and if I were sued to-morrow for the penalty of five hundred pounds, I should, of course, instantly demur. If I am right in that position—if the penalty of five hundred pounds could not be recovered, shall the greater inflic-

tion remain? When courts of justice would refuse to enforce the fine, shall this House take the law into its own hands and deprive me of what ought to be more precious—the right to sit and vote as the representative of a divided, a disinherited, and, I had almost said, a martyred people.

The Union statute, I apprehend, would alone be sufficient; but I do not stand on that merely. This Relief Bill has abolished the oaths and Declaration, and abolished with it the punishment for not taking the one and subscribing the other. If the Declaration be abolished, does the pecuniary penalty remain? I answer, no. And if the pecuniary penalty do not remain, does the heavier penalty of exclusion continue? Certainly not; and I respectfully submit to the House that it has not now jurisdiction to prevent the exercise of my civil right of sitting and voting here. I acknowledge that I should take the oath prescribed by the Relief Bill; and then let any individual, by favor of justice, bring an action against me, and if the court should determine that I ought to pay the penalty of £500, my exclusion follows as a matter of course. The House should consider that this is a large and comprehensive enactment; and I ask why the House should interfere in my case, and not leave it to the courts of justice? I do not want this House to yield its privileges to the decision of any court or tribunal in existence; but I wish to show that the House, by deciding with me, could not preclude anybody from trying the question legally. It is to put my case into that transfer of decision that I am arguing here: that is the utmost I struggle for. The question is: Is it not my right on this return to take the seat to which I have been duly elected by the people? Is the question free from doubt? If there be a doubt, I am entitled to the benefit of that doubt.

I maintain that I have a constitutional right, founded on the return of the sheriff and the voice of the people; and if there be a doubt on the subject it should be removed. The statute comes before us to be construed from the first clause. I did—and I am not ashamed to own it—I did defer to the opinion of others, and was averse to calling for that construction; and if it had not been for the interest of those who sent me here, my own right should have been buried in oblivion.

But now I require the House to consider it. Will you decide that a civil right does not mean a civil right? And if this case of mine be not excepted, will you add it as an additional exception? It might have been said by some of those who supported the bill, that it was intended by that measure to compensate a nation for bygone wrongs, and to form the foundation stone of a solid and substantial building, to be consecrated to the unity and peace of the empire. But if what is certain may be disturbed—if what words express may be erased—if civil rights may be determined not to be civil rights—if we are to be told that by some excuse, or by some pretext, what is not uncertain may be made so—we shall be put under an impossibility to know what construction we must hereafter place on the statutes. I have endeavored to treat this House with respect. My title to sit in it is clear and plain; and I contend that the statute is all comprehensive in its intention, in its recital, and in its enactments. It comprehends every measure and principle of relief, with such exceptions as are thereinafter excepted. But while I show my respect to the House, I stand here on my right, and claim the benefit of it.

SPEECH AT THE SECOND CLARE ELECTION.

[Mr. O'Connell arose and placed his hand several times upon his breast during the acclamations, evidently under the influence of powerful emotions.]

I accept the trust, not with any presumptuous confidence in my own abilities, but simply with an honesty of intuition, and purity of motive. We have procured Emancipation, from the moral condition of the people, from that high enlightenment they had acquired from their submission, their obedience to the laws, from their respect to the many ordinances of man and laws of God.

It was impossible that that measure could be any longer withheld—but I complain of the results of that measure; I

complain that since it has passed, four months have now elapsed and there has not been an effort employed on the part of the government, nor any disposition manifested to do away with the distinctions which then existed and which still continue to exist in the country. No, they are still kept alive as much as ever, and up to the period at which I now speak, there does not appear a single Catholic who has derived the least benefit from the measure. In speaking of your having elected me now, I shall still point out to you—I feel it my duty to do so—the injustice which has been done to you and me when the last election was made the subject of discussion in the House, and I must say that it has anything but my respect or submission upon that occasion. I heard the insolent opinion of the speaker pronounced, and, though I am well aware of the little and contemptible motives by which he was actuated; although I am well aware that they are of that description which the character of the sex from which they emanated should consign to silence, I shall not say anything more about them now, but the time shall come when with your voice I will bring this matter forth. Upon that occasion, too, I have to complain of the conduct of a certain profession, a profession to which I once considered it an honor to belong. I allude to the profession of the bar.

The bar, in my opinion, have disgraced themselves in the discussion of my case, before the House of Commons. I put forward, upon that occasion, my opinions as to my right to sit and vote. I proved my right to sit and vote by the existing law. There was not one who came forward either by pamphlet or letter to contradict my statement. If they had done so in print, I would immediately have annihilated them. Mr. Sugden committed one of the most egregious errors that ever a lawyer of any country was guilty of, upon that occasion. Mr. Tyndal waited, and in a dry, hum-drum form of a speech in parliament, opposed me. It was a poor, miserable attempt at a speech, and this man has since become the Lord Chief-Justice of England. That country is to be pitied that has such a judge. It is melancholy to reflect that elevation can be easily procured by abandonment of principle. There was another who opposed me—Mr. Sugden, one who has lately made him-

self very remarkable by some ridiculous observation, but whose name has not been introduced to-day. He committed an egregious blunder, and I nailed it to him. The first who opposed me, has since become a Chief-Justice, whilst another has been appointed his Majesty's Attorney-General for England.

I cannot express the sentiments of abhorrence and contempt I entertain for the opinion pronounced by Sir James Scarlett. He was favorable in opinion to me, so much so that Mr. Hutchinson, the member for Mallow, and others, told me they were convinced by the reasonings of Sir James Scarlett; yet this man afterwards voted against me. Thus I was put down by parliamentary magic and two lawyers, both of whom are promoted, and one of whom advocated my cause at one period. I must, however, do justice to that portion of the profession who acted nobly, consistently, and honorably. I cannot be unmindful of the splendid aid of Henry Brougham, that man of unrivalled talent, who possesses more information than any other man I ever met. Oh, yes; it gladdens my heart to reflect that I had such a man at my side, the brightest ornament in the British House of Commons, the statesman, the orator, the lawyer, the man of science, and the philosopher. There were others too who supported me. I cannot omit the names of Duncannon, Ebrington, of Rice, of Lloyd.

[Yes, and said some individual, the Knight of Kerry.]

Oh; as to the Knight of Kerry, I hardly consider it a debt I owe him, to enumerate his distinguished name, one of the most honest men who ever entered into the House of Commons. There were also many who supported me among the high families of England. The illustrious name of Grey can never be forgotten by me. I had his distinguished support. The decision, notwithstanding all, was against me. It was a decision in the face of the law. I told them so before the bar of the House—that there was an injustice done me, and an injustice in my person done to you. As far as I am concerned nothing shall prevent me tearing away the veil and showing the administration in all its naked deformity, for the purpose of saving the country for the King and the people. I shall

next allude to the destruction of the Catholic Association. It certainly reminds me—in truth it does, of the immortal Alexander, who "twice had slew the slain,"—it was a most unnecessary measure, for the Association had previously performed a virtual suicide. It was frightful to consider the consequence of that act; it is a despotic power put into the hands of the Viceroy, and I complain of it because it bears, without distinction, upon all classes. I shall not be one fortnight in the House until I call for its repeal. I shall demand, too, the repeal of that act which deprived the virtuous forty-shilling freeholders of their franchise—an act which robbed two hundred and fifty thousand of the elective franchise in one day.

The disfranchisement of the forty-shilling freeholders was a breach of the Union. It was the basis of the Union that the country should be represented by the forty-shilling freeholders among the constituency of the country, for the purpose of placing the representation of both kingdoms upon an equalization; that equalization was now destroyed—the basis of the Union was therefore destroyed, and the measure was grossly violated in this instance. Standing here now, as I do, for the first time, the undisputed member of the county of Clare, I pledge myself to have those virtuous men restored to their rights. As a favorable result of emancipation, and a disposition to dispense justice, the Ministry point, no doubt, to the late proclamation for the dispersion of Orange assemblies. I will admit this, but I am at liberty to canvass this proclamation; it came a week just too late. I went, about a week before the fatal occurrence which called it forth, to Lord Levison Gower, and told him my apprehensions; I told him I feared, if some timely and salutary measures were not taken, that sixty individuals, at least, would fall victims to Orange butchery. In a week afterwards the proclamation is issued; it reminds me of the familiar adage, that "he was a good servant who locked the stable door when the steed was stolen." His master had certainly good reason to congratulate himself on the services of such a servant. There was no proclamation as long as the people lay quiet, as long as they laid themselves down to the fury of the Orange gang, as long as they patiently submitted to the sword; as long as all this continued

there was no proclamation; but when the battle of Mackeon took place, which was gallant and victorious to the Catholics, then the proclamation was issued.

I shall now address you on a subject more closely allied to your feelings, and I address you with pain, as I have to allude to myself. What, I ask, can I do for Clare? I will tell you what I can't do, I cannot provide any one among you with place, pension, or office. I cannot meet the expectation of any one in this way. I don't care what the administration may be, I shall always be like the shepherd's dog, watching to mark where the rights and liberties of the people shall be infringed upon, to sound the alarm, to protect them from danger. The first object to which my attention shall be directed, is to hold out the olive branch of peace to all—to reconcile the temporary separation between landlord and tenant—to engender those kindly and affectionate feelings between those respective classes which ought forever to exist, and, if possible, ought never to have suffered estrangement or alienation. Upon the occasion of the last election, there were many and many who opposed me, who are now disposed to give me their support—and there were many who were actuated in that opposition by the most honorable motives. There is Mr. Vesey Fitzgerald, too, of whom I can scarcely speak in adequate terms of eulogy. I should be base, indeed, if I did not bestow upon him the commendations he deserves. The Catholics turned him out of the county, and the revenge which he practiced, was one of the best speeches I ever heard in their favor. It was one of the greatest instances of generosity, which I ever before witnessed. I consider Mr. Vesey Fitzgerald one of the ablest men in the cabinet, and if he were not encumbered with a certain peculiarity approaching to diffidence in his own powers, frequently the companion of great merit—he would be the first man in the cabinet. I shall now turn to my public duties, and it may be asked, what are my qualifications? I say it unaffectedly, I am no orator. I am a "plain blunt man," who speaks the plain language. My forensic habits have given me a facility in delivering my sentiments as they occur to my mind, without humming, or having to look for a better word. I have no pretensions to poetry.

The Muses have never hovered over me with their zephyr-airy wings, or carried me aloft on those wild and ethereal voyages of fancy which are taken by her favorite votaries. I come, as I have said, to the House of Commons, a plain working man, with honesty of intentions—a man of business. That man must be an early riser who is up before me; and he must be a sober fellow who goes to bed with a more sober head than I do. When I go over to the House of Commons, it is my intention to be there from the moment that prayers begin until the moment that all the business is over. I will be the first in the House and I shall be last out. I will read every bill, every word of it. I come now, to what I consider my duties with regard to religion. If any question should come before the House on the subject of the discipline of the Established Church, I shall immediately walk out. I shall leave Protestants to deal with what leads to their own spiritual concerns. I should wish the same for myself, and I will do as I would be done by. But with respect to the temporalities of the Established Church, that is totally another subject. I should wish to bring about a suitable equalization of church property, not that thousands of curates should hardly have the means of subsistence, while the bishops were rioting in luxury. The former have only £75 a year, while many of the bishops have twenty thousand! The time is approaching when the system of tithes must be abolished. France is now comfortable in the abolition of its tithes. If no one will introduce the subject, I will introduce it myself. I know that I shall have more Protestants than any other class to join me in this measure. I shall endeavor to put an end to the perpetually returning litigation to which the Catholics and Dissenters are subject, by these primeval transfers of deeds, which were a consuming gangrene to both Dissenters and Catholics in their public charities. I shall endeavor to protect them by the law, free from litigation. I go into parliament for freedom for all men—Jew and Gentile, Heathen and Christian. I except, however, the subjects of that abominable monopoly, the East India Company, who still keep the abominations of the idol Juggernaut. I would leave those people to their superstitions, endeavoring to convince them by every reasonable argu-

ment, but I should neither support nor encourage them, nor support those who would do so either. I would place no limit to the freedom of the human mind. But I shall pass from these subjects, to those of much more interest.

Let me draw your attention to a system of oaths, a horrible system of oaths. There are no less a number of oaths required to be taken in various public departments than seventeen or eighteen hundred. There are a multitude of oaths in the excise, and I shall make it my business to call for a list of all the public oaths which are now required to be taken in various departments, for the purpose of having them abolished. I condemn the taking of oaths altogether. The next subject to which I shall call your attention is that of parliamentary reform. I consider that it is calculated to give security to property and safety to life. I claim, in a word, for the people at large a full and free representation. I profess myself a radical reformer. The voting should be by ballot, and carried on regularly in the parish in which each individual lived. I may be asked what are my sentiments respecting the duration of parliament. I will not quarrel much about that, but I am an advocate for full, free, and frequent parliaments. The parliament anterior to the year 1688 was triennial. For my part, in this particular, I must say I am much attached to biennial parliaments. From this subject, I shall now turn to that of the Repeal of the Union. I may be asked, shall I be able to effect this. Who would be believed if, two years ago, he should have been hazardous enough to say, that this day I would stand the unquestioned representative of the County of Clare? I know that in seeking the Repeal of the Union, I shall have the support of the Corporation of Dublin, however opposed to me upon other subjects.

I now come to that species of reform which is the object of my darling solicitude—the reform of law. The government should pay all the expenses; there should be no hireling advocacy. Prosecutors never see one another until they are brought into court, and their case comes on in the shape of a record. In every case of litigation, the contending parties should previously see one another, the judge explain the laws, and I have no doubt that under those circumstances a

mutual compromise and arrangement would take place before the parties would leave the court. There is one subject more to which I shall advert. I am the respecter of authority. If calumny assail the Throne, then private life cannot be secure. I have read with horror some details of a distinguished individual in the London newspapers. The story of Captain Garth, however, must come to light, and the Duke of Cumberland, I have no doubt, will be freed from the foul calumny with which he has been assailed. No—I shall not see the brother of my King attacked. I am no respecter of persons, but I will call for and demand investigation into this transaction. There is a moral progress at present in the world. There is no true basis for liberty but religion.

SPEECH ON THE IRISH COERCION BILL.

HOUSE OF COMMONS, FEBRUARY 19, 1833.

I WISH for a few minutes to attract the attention of the House to the situation of my long afflicted and much oppressed country. I do so at the earliest opportunity, because I wish to express to this House of Commons the situation in which that country is like to be placed. I shall, as far as I can, suppress my emotions of indignation, and no longer follow my natural impulses. I shall not, whatever I may think, call the measure propounded for my country a bloody or a brutal one; but at the same time I wish to be distinctly understood not in any degree retracting the epithets which I have applied to the conduct of his Majesty's ministers. Whilst, however, I abstain from characterizing in harsh or strong language the proceedings of government, I do not in the least compromise my opinions or cease from holding them in abhorrence. There are injuries of that nature that are too degrading for description, and of too deep and vital consequence to allow of personalities or admit of personal considerations. I shall therefore abstain from both, and in discussing the subject which I am about to bring forward, I shall not only avoid personal but

local considerations, and hope that nothing except my accent shall on the occasion discover me to be an Irishman.

I stand up here not merely to defend Irish rights, but I speak as if I were speaking of English, Scotch, or universal liberty; in fact, it is as a defender of the last that I stand up to protest against certain proceedings which I understand are now in contemplation. Let it not however be supposed that oppression is the less abhorrent to me because I am less violent in manner, and least of all, it should not be supposed that a quietness of demeanor on the part of a people is an indication of a less determination of purpose. Death is preferable to oppression, and the people of Ireland, though tranquil, will not be the more submissive to the yoke which is to be imposed upon them. For my own part, the iron has not as yet entered into my soul; and notwithstanding the folly and the madness of the Administration, I have still a confiding hope in the integrity of the Reformed House of Commons. Before I proceed to the consideration of a measure, which has been introduced elsewhere, I wish to set myself right in regard to some statements, which have been made respecting me. It has been asserted that I encouraged certain tithe meetings, and that when I had called those assemblages together, I had shrunk from attendance. I here at once declare and solicit a denial, if it can be given, if there is any truth in this statement. In point of fact, there is no truth in it; there was not only no such thing, but there was no foundation for it; and any assertion more destitute of the semblance of truth was never made. The fact is, that I was not even in Ireland at the time of the meetings referred to, and could not by possibility have undertaken to attend; and if a Committee of Inquiry were granted to me, I would undertake to prove to demonstration, that the meetings of which I am said to be the originator, were got up by the friends of Lord Anglesea. I was, at the time, at the distance of three hundred miles from those meetings, and I appeal to this House whether it is fair to impose upon me the responsibility of meetings in which I had no concern. Over and over again have the acts of others been laid at my door, and without expressing any opinion upon the propriety of these meetings, I ask whether it is fair

to impute to me acts in which I have had no participation? I have been frequently calumniated when I only asked to be heard in reply. I court investigation into my conduct, and I defy the most rigid scrutiny. Enough, however, of this subject; I have something more important to attract the attention of the House; important, though it bears the marks of drivelling old age, and the total absence of a manly character.

It would probably be thought that some of the measures of government were of a healing and salutary nature, and that ministers had shown that they were well disposed toward Ireland.

Let the House recollect what the ministers have done. They have indeed boasted of their church reform, and, as far as that goes, I accept it as a boon. What is it after all? The slight benefits it confers are prospective. It holds out no present advantages. True, it was a boon as far as the vestry cess, which, according to the statement of the noble lord, was sixty or seventy thousand pounds a year. The noble lord, in stating that as the amount of the vestry cess, stated also that the income of the clergy was about seven hundred thousand pounds. Did the noble lord, did any person who knew anything about Ireland, think or believe that the vestry cess amounted to one tenth of the income of the Protestant clergy of Ireland? Let me, however, not be misunderstood. I accept that boon and accept it gratefully, trifling as it is. At the same time, I wish the House to know that it is only a small relief from large and vexatious grievances. I do not retract one expression of approbation at the measure of the noble lord, not because I think it of any benefit, but because I recognize in his mind a good principle. It recognized this, that the state had a right to dispose of church property, and it incidentally admitted that the church establishment was disproportioned to the wants or wishes of the country.

The noble lord had announced to the House that he meant to reduce a certain number of bishops; but that reduction did not embrace any lessening of the amount to be paid to the establishment. What could be more ridiculous than offering that as a boon which in no way lessened taxation? The farmer, under the measure, would not have to pay less of tithes,

nor would the peasant have to pay a less contribution of his potatoes. Some few nights since, the right honorable Secretary for Ireland, had expressed himself in terms of kindness towards the Irish, and without scrutinizing the motives of the right honorable Secretary, I received those expressions with grateful emotion. I advert to this for the purpose of showing that I consider the present measures, not as the acts of the right honorable Secretary, but as those of the government, and upon that government I was at once disposed to throw the whole responsibility. With that government I shall at once grapple, and though I may be laughed at, I will still appeal to the House of Commons, and until they have betrayed themselves, I shall never believe that they will consent to any act which would annihilate every trace of public freedom. Would they allow such a measure as now propounded to be enacted for England or for Scotland? Certainly not. Why then tolerate it for Ireland? This was, however, a matter for the consideration of the House of Commons, and in rising upon this occasion, my object is more to elicit the opinions of others than to express any of my own. The Irish are often reproached with acrimony, and perhaps there is some truth in the observation. But that is foreign from the subject: and even if true, the question is, is there any ground for the acrimony? However, there is another question; the real one is, whether this House is pledged to adopt coercive measures towards Ireland? True it is, they voted for the Address, but they were not therefore pledged to any particular line of coercive measures; and I, for one, can never believe, until I see it, that a reformed House of Commons will, by supporting a government, vote for the degradation of the Irish people.

The House has gone a great way in supporting ministers, but they will halt when the progress of government is toward despotism. And I would repeat that the government will never be supported in any measures that will tend to Irish degradation. The Under Secretary of the Treasury had, in some calculation which he had brought before the House, attempted to show that the connection between England and Ireland was most beneficial to the latter, and he flung back upon me the imputation of having misrepresented the views of government.

The Under Secretary flung back, with apparent indignation, my charges that the government meant to supersede the Constitution and suspend the Habeas Corpus Act. Now, I ask the House whether I was right in my anticipations. If I was right, the Under Secretary is now bound to come forward and support me.

Is there any intention of suspending the Habeas Corpus Act? Is there any intention of subverting the constitution as far as regarded Ireland? Perhaps there is not; if so, I am certainly in error. But I am right. I call upon the Under Secretary, instead of pronouncing me a calumniator, to come forward and support me. However that may be, I will state this much: that the measure which I understand is in contemplation, is bottomed on the most glaring and notorious falsehoods. It is but a sample of the many acts of Whig treachery which have been practiced towards Ireland. It is one of those black and gloomy spots which indicate Whig ascendency. That faction has always been hostile and faithless to Ireland. They were in power when Limerick surrendered, and the conduct of the brave men who commanded that garrison presented a striking contrast to that of the Whigs. On that occasion a convention was signed, and immediately afterwards a French armament appeared in the bay and proffered assistance to the garrison; but the brave and gallant army, who had once plighted their honor, refused their assistance and stood firm to their honor. They had signed the treaty, and from their signatures they would not depart. Yet, these were the people upon whom the Whigs attempted every atrocity. They are to be subjected to martial law and to be deprived of every indemnity in case of false accusation. They cannot even appear at prayer meetings, and in case of any charge against them, they are not to be tried in their own counties, but the venue is to be changed.

Mr. C. W. Wynn rose to order. I wish to know whether it is competent for any member in this House to refer to proceedings elsewhere; whether, in point of fact, those proceedings might, or might not, come under their notice.

Mr. O'Connell.—I have cautiously abstained from alluding to proceedings in another place, and merely supposed that

such proceedings were in contemplation. The King's ministers are reported and believed to intend to introduce into the House certain measures.

The SPEAKER said there could be no doubt that what the right honorable gentleman said was strictly in accordance with the rules of the House; but the question to be considered was, did it apply to the course of observation pursued by the honorable and learned member? It was not only contrary to the rules of that House for any honorable member to discuss a measure only before the other House of Parliament, but it would be extremely inconvenient. The great difficulty, however, the Chair felt in all such cases, was, to know whether the honorable gentleman was merely alluding to matters of notoriety or to measures generally, or by him attributed to government, or whether he was alluding to a particular measure before the other House? He was quite sure that what had fallen from the right honorable gentleman was perfectly in consonance with the rules of the House; and he was also quite sure that it would also have the effect of putting the honorable and learned gentleman on his guard, and prevent the possibility of his infringing upon those wholesome regulations.

MR. O'CONNELL.—The courtesy and distinctness of the decision of the Chair must ensure my prompt and perfect compliance. I say, then, that I speak not of what has occurred in another place. But my course of conduct is this:—his Majesty's government ask the House of Commons to confirm a vote of supply for three thousand pounds; and I take this opportunity to call the attention of the House to the policy of government. Further, I attribute to that government certain schemes, to which I feel it necessary to call attention, as in voting supplies the House sanctioned the conduct of government. One of the schemes with which I charge the government is, an intention to change the venue.

I am sorry the honorable member with the flourishing constituency, the honorable member for Leeds, is not in his place, or else I would call upon him to describe this change of venue. The honorable member had alluded to the subject, and had said that Ireland indeed would have had a grievance had

the Catholics of the south been subjected to a change of venue as the Americans were. But what did the ministers now intend? Why, to send the Catholics of the south before what the honorable member for Leeds calls the prejudiced Orangemen of the north for trial. Oh! I thank the honorable member for Leeds for his allusion to what was one of the great grievances of Massachusetts, a grievance which drove it not only to rebellion, but to revolution, for be it remembered, the struggle with the parent country was not always fatal to the resistant? There are times when wrong is heaped upon wrong till at length the oppressed, out of its very weakness, becomes strong and achieves a victory which sanctifies acts that had otherwise been rebellion. But what was one of the grievances that drove the Americans to revolt? Why, they complained that the American was taken from his own country and his own tribunals, to be tried in England. To take a Catholic from Ireland and to try him in England, before an English jury, would be, judging upon analogy, such an act as the Americans were justified in resisting, and as the high-minded reformers of England would never sanction. This is one of the measures I accuse the government of intending to introduce, and I call upon the reformers of England to say whether they will comply with and give their voice for the enforcement of so iniquitous a proceeding.

The grievance the Americans complained of was nothing to that with which Ireland is threatened. The Americans were taken from their own country, it is true, but they were tried by juries and by the judges of the land. See the scheme that was proposed for Ireland. It was to be in the Lord Lieutenant to declare any district in a state of disturbance; it was to be in the power of one man to outlaw Ireland or any part of it, and the part so outlawed was to be subject to military tribunals. The law of the land was to become a dead letter at the dictum of a single man, Habeas Corpus was to be of no effect, and even the ears of parliament were to be closed against the appeal of the oppressed. The honorable member for Oldham, whose excellent sense had enabled him to mark out a safe and wholesome course of proceeding, has complained of the use of professional terms and phrases unintelligible to

the general listener. The complaint is just. Therefore in this case let them not hear any more about the suspension of Habeas Corpus, but rather let them hear that one man is to have the power of imprisoning whom he chooses in Ireland. Such is the fact. And a man being imprisoned, by whom is he to be tried? By the judges of the land and juries? No such thing. But by five military officers, who have each held a commission two years. Yes, there was another provision, the officers must be above twenty-one years of age.

[On Mr. Shiel prompting Mr. O'Connell, Mr. Stanley rose to order.]

Mr. O'Connell.—The right honorable gentleman had risen to call him to order, and instead of doing so had forestalled him by a reply. Oh! let Ireland at least be heard; let her have fair play. If Ireland is to be gagged, let it not at least be without a hearing.

The Speaker said he felt himself called upon to interrupt the honorable and learned member. Nothing could be clearer than that it was disorderly for any honorable member to go into the details of a measure not before the House, but before the other House of Parliament. He had before stated that to be the case, and he had done so the rather because when before called upon to maintain order, the honorable and learned member had not arrived at the point he now noticed as irregular, although there might be reason to apprehend he would do so. The honorable and learned member had now gone into that detail, and if it was not meant as having reference to some measure before the other House of Parliament, but was to be taken as a mere supposition, he left to the honorable and learned member to say how much it would assist his argument.

Mr. O'Connell.—I will obey the injunction of the chair. I speak upon supposition. I attribute to the government, whether right or wrong—if wrong I shall be contradicted—I attribute to the government, nay, to the noble lord (the Chancellor of the Exchequer)—for to avoid even the appearance of personality, I will not mention the right honorable secretary (Mr. Stanley)—I attribute to the noble lord an

intention to introduce as a minister to the Crown, a measure to enable five military officers to dispose of the liberty, if not the lives of such of his Majesty's subjects in Ireland as the Lord Lieutenant chooses to send before them. Nay, a majority of five members are to have that power. I am not surprised at the sentiments of the right honorable secretary. It is but natural for the right honorable gentleman to shrink from any participation in so monstrous, so horrible a scene. Never was a plan more strongly marked with despotic boldness and tyrannical determination than this. But can it be? Is it possible that his Majesty's government will dare to propose to a British House of Commons to give to three military officers the power of destroying the liberty of the people of Ireland? Is that a plan for an English nobleman to originate, and for an English House of Commons to sanction? But is that all? Oh, no!

The Americans complained of the venue being changed from America to England, but the Americans were tried by the judges of the land and by juries. Such is not to be the case with my countrymen. No, they are to be handed over to a military tribunal of three officers. And what is the character of this tribunal? I admire the British army. A braver never went into the field. I admire, too, the character of the officers in private life. They are humane, enlightened, kindly. But what are the military tribunals to do? How may they not be composed? If three ensigns or three lieutenants formed a majority of one of them, would they venture to exercise their judgments in opposition to the wishes of government? They dare not. If they did, they would be dismissed the service. The tribunal projected was open to every influence in the way of patronage and interest that could take from it the character of impartiality or justice; and it is to such a tribunal that the King's subjects in Ireland are to be delivered over, bound, fettered, and gagged. Nay, more, to such a tribunal is to be given the power of punishing men for not giving evidence. Oh, let honorable members call to mind the scenes under a similar but not so atrocious system. I remember one trial which occurred in 1798. Upon it a poor wretch named Grady was called as a witness, and the trial took place in Kerry. By-

the-by, it is a fact worthy of notice, that in 1798 there was little or no disturbance in the great Catholic counties. In Galway there was no disturbance, in Kerry but one, in Cork and in other Catholic counties, all was peace. But with respect to Grady; he was called before one of these tribunals to give evidence, and his answer not being satisfactory, he was ordered out and to receive one hundred lashes. He received them, and was again brought before the tribunal. To the same question he made the same answer, and he was ordered to receive a second one hundred lashes. He did receive them, and was brought in a third time. The same question was repeated, and a third time he gave the same answer. He was ordered out to receive a third one hundred lashes, and while the punishment was being inflicted, he fainted almost to death. He was not brought up again. Will the House forget that such scenes as that have occurred before a military tribunal? Are we, with such horrible facts on record, to have Court Martial in Ireland?

It will not be necessary before a Reformed Parliament, and in the nineteenth century, to do more than to point out such atrocities to bring on their universal execration. I charge the noble lord with this—intending to introduce a bill which is to be a selection of all the bitterest parts of all the severest acts ever passed for the coercion of Ireland. I would ask the noble lord this—Is it not a part of your plan to render the military tribunals irresponsible to the law? I repeat—it is to the British Parliament in the nineteenth century I am calling attention to such monstrous matters. Will this parliament desert Ireland? Ireland has stood by England in the great fight for reform, and should not England now stand by Ireland when it implores and demands that every particle of the life and spirit of the constitution shall not be destroyed?

I will not now go further into details. It must be unnecessary for me to do so. I have said enough to excite the interest of any lover of liberty who has heard me, or it is not in the power of language to do so. I demand for my country that the constitution shall not be suppressed—that the constitution shall not be frittered away by unknown private witnesses. Before Ireland is menaced with even the semblance of liberty,

let her at least be heard, let her meet her accusers face to face, and in the light of day. If Ireland is to be deprived of the constitution, and of her liberties, at least let her be heard in her defence. According to the plan of the ministers, Ireland is to be dumb; that great and important privilege, the right of petition, is to be suppressed. Will England inflict upon Ireland so iniquitous a wrong?

[The honorable and learned member, after thanking the House for the patience with which they had heard him, concluded by entreating the House, by an expression in favor of an inquiry, before the exaction of measures of severity, to entitle themselves to the eternal gratitude of the Irish people.]

SPEECH AT MULLAGHMAST MONSTER MEETING, SEPTEMBER, 1843.

I ACCEPT, with the greatest alacrity, the high honor you have done me in calling me to the chair of this majestic meeting. I feel more honored than I ever did in my life, with one single exception, and that related to, if possible, an equally majestic meeting at Tara. But I must say that if a comparison were instituted between them, it would take a more discriminating eye than mine to discover any difference between them. There are the same incalculable numbers—there is the same firmness—there is the same determination—there is the same exhibition of love to old Ireland—there is the same resolution not to violate the peace—not to be guilty of the slightest outrage—not to give the enemy power by committing a crime, but peacefully and manfully to stand together in the open day—to protest before man, and in the presence of God, against the iniquity of continuing the Union.

At Tara, I protested against the Union—I repeat the protest Mullaghmast. I declare solemnly my thorough conviction, as a constitutional lawyer, that the Union is totally void in point of principle and of constitutional force. I tell you that no portion of the empire had the power to traffic on the rights

and liberties of the Irish people. The Irish people nominated them to make laws, and not legislatures. They were appointed to act under the constitution and not annihilate it. Their delegation from the people was confined within the limits of the constitution, and the moment the Irish parliament went beyond those limits and destroyed the constitution, that moment it annihilated its own power, but could not annihilate the immortal spirit of liberty, which belongs, as a rightful inheritance, to the people of Ireland. Take it then from me that the Union is void. I admit there is the force of a law, because it has been supported by the policeman's truncheon —by the soldier's bayonet—and by the horseman's sword; because it is supported by the courts of law and those who have power to adjudicate in them; but I say solemnly, it is not supported by constitutional right. The Union, therefore, in my thorough conviction, is totally void, and I avail myself of this opportunity to announce to several hundred of thousands of my fellow-subjects, that the Union is an unconstitutional law, and that it is not fated to last long—its hour is approaching. America offered us her sympathy and support. We refused the support but we accepted the sympathy; and while we accepted the sympathy of the Americans we stood upon the firm ground of the right of every human being to liberty; and I, in the name of the Irish nation, declare that no support obtained from America should be purchased by the price of abandoning principle for one moment, and that principle is, that every human being is entitled to freedom.

My friends, I want nothing for the Irish but their country, and I think the Irish are competent to obtain their own country for themselves. I like to have the sympathy of every good man everywhere, but I want not armed support or physical strength from any country. The Republican party in France offered me assistance. I thanked them for their sympathy, but I distinctly refused to accept any support from them. I want support from neither France nor America, and if that usurper, Louis Philippe, who trampled on the liberties of his own gallant nation, thought fit to assail me in his newspaper, I returned the taunt with double vigor, and I denounce him to Europe and the world as a treacherous tyrant, who has violated

the compact with his own country, and therefore is not fit to assist the liberties of any other country. I want not the support of France; I want not the support of America; I have physical support enough about me to achieve any change; but you know well that it is not my plan—I will not risk the safety of one of you. I could not afford the loss of one of you—I will protect you all, and it is better for you all to be merry and alive, to enjoy the repeal of the Union; but there is not a man of you there that would not, if we were attacked unjustly and illegally, be ready to stand in the open field by my side. Let every man that concurs in that sentiment lift up his hand.

[Every individual in the immense multitude lifted his hand amidst tremendous cheering.]

The assertion of that sentiment is our sure protection, for no person will attack us, and we will attack nobody. Indeed, it would be the height of absurdity for us to think of making any attack; for there is not one man in his senses in Europe or America, that does not admit that the repeal of the Union is now inevitable. The English papers taunted us, and their writers laughed us to scorn; but now they admit that it is impossible to resist the application for repeal. More power to you. But that even shows we have power enough to know how to use it. Why, it is only this week that one of the leading London newspapers, called the Morning Herald, who had a reporter at the Lismore meeting, published an account of that great and mighty meeting, and in that account the writer expressly says that it will be impossible to refuse so peaceable, so determined, so unanimous a people, as the people of Ireland, the restoration of their domestic legislature. For my own part, I would have thought it wholly unnecessary to call together so large a meeting as this, but for the trick played by Wellington, and Peel, and Graham, and Stanley, and the rest of the paltry administration, by whose government this country is disgraced. I don't suppose so worthless an administration ever before got together. Lord Stanley is a renegade from Whiggism, and Sir James Graham is worse. Sir Robert Peel has five hundred colors on his bad standard, and not one of them is permanent. To-day it is orange, to-morrow it will

be green, the day after neither one nor the other, but we shall take care that it shall never be dyed in blood.

Then there is the poor old Duke of Wellington, and nothing was ever so absurd as their deification of him in England. The English historian—rather the Scotch one—Alison, an arrant Tory, admits that the Duke of Wellington was surprised at Waterloo, and if he got victoriously out of that battle, it was owing to the valor of the British troops, and their unconquerable determination to die, but not to yield. No man was ever a good soldier, but the man who goes into the battle determined to conquer or not come back from the battle-field. No other principle makes a good soldier—conquer or die is the battle cry for the good soldier; conquer or die is his only security. The Duke of Wellington had troops at Waterloo that had learned that word, and there were Irish troops amongst them. You all remember the verses made by the poor Shan Van Vocht:

> "At famed Waterloo,
> Duke Wellington would look blue
> If Paddy was not there too,
> Says the Shan Van Vocht."

Yes, the glory he got there was bought by the blood of the English, Irish, and Scotch soldiers—the glory was yours. He is nominally a member of the administration, but yet they would not entrust him with any kind of office. He has no duty at all to perform, but a sort of Irish anti-repeal warden. I thought I never would be obliged to the ministry, but I am obliged to them. They put a speech abusing the Irish into the Queen's mouth. They accused us of disaffection, but they lie—it is their speech—there is no disaffection in Ireland. We were loyal to the sovereigns of Great Britain, even when they were our enemies—we were loyal to George the Third, even when he betrayed us—we were loyal to George the Fourth, when he blubbered and cried when we forced him to emancipate us. We were loyal to old Billy, though his minister put into his mouth a base, bloody, and intolerant speech against Ireland; and we are loyal to the Queen, no matter what our enemies may say to the contrary. It is not the

Queen's speech, and I pronounce it to be a lie. There is no dissatisfaction in Ireland, but there is this—a full determination to obtain justice and liberty. I am much obliged to the ministry for that speech, for it gives me, amongst other things, an opportunity of addressing such meetings as this. I had held the monster meetings. I had fully demonstrated the opinion of Ireland. I was convinced their unanimous determination to obtain liberty was sufficiently signified by the many meetings already held; but when the minister's speech came out, it was necessary to do something more. Accordingly, I called a monster meeting in Loughrea. I called another meeting in Clifden. I had another monster meeting in Lismore, and here now we are assembled on the Rath of Mullaghmast.

At Mullaghmast (and I have chosen this for this obvious reason), we are on the precise spot where English treachery—aye, and false Irish treachery, too—consummated a massacre that has never been imitated, save in the massacre of the Mamelukes by Mahomet Ali. It was necessary to have Turks atrocious enough to commit a crime equal to that perpetrated by Englishmen. But do not think that the massacre at Mullaghmast was a question between Protestants and Catholics—it was no such thing. The murdered persons were to be sure Catholics, but a great number of the murderers were also Catholics, and Irishmen, because there were then, as well as now, many Catholics who were traitors to Ireland. But we have now this advantage, that we have many honest Protestants joining us—joining us heartily in hand and heart, for old Ireland and liberty. I thought this a fit and becoming spot to celebrate, in the open day, our unanimity in declaring our determination not to be misled by any treachery. Oh, my friends, I will keep you clear of all treachery—there shall be no bargain, no compromise with England—we shall take nothing but repeal, and a parliament in College Green. You will never, by my advice, confide in any false hopes they hold out to you; never confide in anything coming from them, or cease from your struggle, no matter what promise may be held out to you, until you hear me say I am satisfied; and I will tell you where I will say that—near the statue of King

William, in College Green. No, we came here to express our determination to die to a man, if necessary, in the cause of old Ireland. We came to take advice of each other, and above all, I believe you came here to take my advice. I can tell you, I have the game in my hand—I have the triumph secure—I have the repeal certain, if you but obey my advice.

[Great cheers, and cries of "We will obey you in anything."]

I will go slow—you must allow me to do so—but you will go sure. No man shall find himself imprisoned or persecuted who follows my advice. I have led you thus far in safety; I have swelled the multitude of repealers until they are identified with the entire population, or nearly the entire population of the land, for seven eighths of the Irish people are now enrolling themselves repealers. [Cheers and cries of more power to you.] I don't want more power; I have power enough, and all I ask of you is to allow me to use it. I will go on quietly and slowly, but I will go on firmly, and with a certainty of success. I am now arranging a plan for the formation of the Irish House of Commons.

It is a theory, but it is a theory that may be realized in three weeks. The repeal arbitrators are beginning to act—the people are submitting their differences to men chosen by themselves. You will see by the newspapers that Dr. Gray, and my son, and other gentlemen, have already held a petty session of their own, where justice will be administered free of all expense to the people. The people shall have chosen magistrates of their own in the room of the magistrates who have been removed. The people shall submit their differences to them, and shall have strict justice administered to them, that shall not cost them a single farthing. I shall go on with that plan until we have all disputes settled and decided by justices appointed by the people themselves. [Long may you live.] I wish to live long enough to have perfect justice administered to Ireland, and liberty proclaimed throughout the land. It will take me some time to prepare my plan for the formation of the new Irish House of Commons—that plan which we will yet submit to her Majesty for her approval, when she gets rid of her present paltry administration and

has one that I can support. But I must finish that job before I go forth, and one of my reasons for calling you together is to state my intentions to you. Before I arrange my plan the Conciliation Hall will be finished, and it will be worth any man's while to go from Mullaghmast to Dublin to see it.

When we have it arranged I will call together three hundred, as the Times called them, bogtrotters, but better men never stepped on pavement. But I will have the three hundred and no thanks to them. Wales is up at present, almost in a state of insurrection. The people there have found that the landlords' power is too great, and has been used tyranically, and I believe you agree with them tolerably well in that. They insist on the sacredness of the right of the tenants to security of possession, and with the equity of tenure which I would establish, we will do the landlords full justice, but we will do the people justice also. We will recollect that the land is the landlord's, and let him have the benefit of it, but we will also recollect that the labor belongs to the tenant, and the tenant must have the value of his labor, not transitory and by the day, but permanently and by the year. Yes, my friends, for this purpose I must get some time. I worked the present repeal year tolerably well. I believe no one in January last, would believe that we could have such a meeting within the year as the Tara demonstration. You may be sure of this—and I say it in the presence of him who will judge me—that I never will willfully deceive you. I have but one wish under heaven, and that is for the liberty and prosperity of Ireland. I am for leaving England to the English, Scotland to the Scotch, but we must have Ireland for the Irish. I will not be content until I see not a single man in any office, from the lowest constable to the Lord Chancellor, but Irishmen. This is our land, and we must have it. We will be obedient to the Queen, joined to England by the golden link of the Crown, but we must have our own parliament, our own bench, our own magistrates, and we will give some of the shoneens who now occupy the bench leave to retire, such as those lately appointed by Sugden. He is a pretty boy, sent here from England; but I ask, did you ever hear such a name as he has got? I remember, in Wexford, a man told me he had a pig at home

which he was so fond of that he would call it Sugden. No; we shall get judicial independence for Ireland. It is for this purpose we are assembled here to-day, as every countenance I see around me testifies. If there is any one here who is for the Union, let him say so. Is there anybody here for the repeal. [Cries of "all, all," and loud cheering.]

Yes, my friends, the Union was begot in iniquity—it was perpetrated in fraud and cruelty. It was no compact, no bargain, but it was an act of the most decided tyranny and corruption that was ever yet perpetrated. Trial by jury was suspended—the right of personal protection was at an end—courts martial sat throughout the land—and the county of Kildare, among others, flowed with blood. Oh, my friends, listen now to the man of peace, who will never expose you to the power of your enemies. In 1798 there were some brave men, some valiant men, to head the people at large, but there were many traitors, who left the people in the power of their enemies. The Curragh of Kildare afforded an instance of the fate which Irishmen were to expect, who confided in their Saxon enemies. Oh, it was an ill-organized, a premature, a foolish, and an absurd insurrection; but you have a leader now who never will allow you to commit any act so foolish or so destructive. How delighted do I feel with the thorough conviction which has come over the minds of the people, that they could not gratify your enemies more than by committing a crime. No; our ancestors suffered for confiding in the English, but we never will confide in them. They suffered for being divided amongst themselves. There is no division amongst us. They suffered for their own dissensions—for not standing man to man by each other's side. We shall stand peaceably side by side in the face of every enemy. Oh, how delighted was I in the scenes which I witnessed as I came along here to-day! How my heart throbbed, how my spirit was elevated, how my bosom swelled with delight at the multitude which I beheld, and which I shall behold, of the stalwart and strong men of Kildare! I was delighted at the activity and force that I saw around me, and my old heart grew warm again in admiring the beauty of the dark-eyed maids and matrons of Kildare. Oh, there is a starlight spark-

ling from the eye of a Kildare beauty, that is scarcely equalled, and could not be excelled all over the world. And remember that you are the sons, the fathers, the brothers, and the husbands of such women, and a traitor or a coward could never be connected with any of them. Yes, I am in a county, remarkable in the history of Ireland for its bravery and its misfortune, for its credulity in the faith of others, for its people judged of the Saxon by the honesty and honor of their own natures. I am in a county celebrated for the sacredness of its shrines and fanes. I am in a county where the lamp of Kildare's holy shrine burned with its sacred fire, through ages of darkness and storm—that fire which for six centuries burned before the high altar without being extinguished, being fed continuously, without the slightest interruption, and it seemed to me to have been not an inapt representation of the continuous fidelity and religious love of country of the men of Kildare. Yes, you have those high qualities—religious fidelity, continuous love of country. Even your enemies admit that the world has never produced any people that exceeded the Irish in activity and strength. The Scottish philosopher has declared, and the French philosopher has confirmed it, that number one in the human race is, blessed be Heaven, the Irishman. In moral virtue, in religion, in perseverance, and in glorious temperance, you excel. Have I any teetotallers here? Yes, it is teetotalism that is repealing the Union. I could not afford to bring you together, I would not dare to bring you together, but that I had the teetotallers for my police.

Yes, among the nations of the earth, Ireland stands number one in the physical strength of her sons, and in the beauty and purity of her daughters. Ireland, land of my forefathers, how my mind expands, and my spirit walks abroad in something of majesty, when I contemplate the high qualities, inestimable virtues, the true purity and piety, and religious fidelity of the inhabitants of your green fields and productive mountains. Oh, what a scene surrounds us!—It is not only the countless thousands of brave and active and peaceable and religious men that are here assembled, but nature herself has written her character with the finest beauty in the verdant

plains that surround us. Let any man run round the horizon with his eye, and tell me if created nature ever produced anything so green and so lovely, so undulating, so teeming with production. The richest harvests that any land can produce are those reaped in Ireland; and then here are the sweetest meadows, the greenest fields, the loftiest mountains, the purest streams, the noblest rivers, the most capacious harbors—and her water power is equal to turn the machinery of the whole world. Oh, my friends, it is a country worth fighting for—it is a country worth dying for; but above all, it is a country worth being tranquil, determined, submissive and docile; for disciplined as you are in obedience to those who are breaking the way, and trampling down the barriers between you and your constitutional liberty, I will see every man of you having a vote, and every man protected by the ballot from the agent or landlord. I will see labor protected, and every title to possession recognized, when you are industrious and honest. I will see prosperity again throughout your land—the busy hum of the shuttle and the tinkling of the smithy shall be heard again. We shall see the nailer employed even until the middle of the night, and the carpenter covering himself with his chips. I will see prosperity in all its gradations spreading through a happy, contented, religious land. I will hear the hymn of a happy people go forth at sunrise to God in praise of his mercies—and I will see the evening sun set down amongst the uplifted hands of a religious and free population. Every blessing that man can bestow and religion can confer upon the faithful heart, shall spread throughout the land. Stand by me—join with me—I will say be obedient to me, and Ireland shall be free.

MR. O'CONNELL'S SPEECH IN HIS OWN DEFENCE,

At the Irish State Trials, 1844, *in the Court of Queen's Bench, in Ireland, in the case of the Queen vs. Daniel O'Connell and others.*

GENTLEMEN, I beg your patient attention, while I show you, in as few sentences as I possibly can, and in my own plain and prosiac style, the right I have to demand from you a favorable verdict. I ask it without disrespect and without flattery—I ask it on the ground of common sense and common justice—upon these grounds I demand your favorable verdict, being thoroughly convinced that I am plainly entitled to it. I do not feel that I should have been warranted in addressing you at all, after the many speeches you have already heard, and that powerful display of talent that so delighted, as well as I trust instructed you; but I do not stand here my own client. I have clients of infinitely more importance. My clients, in this case, are the Irish people—my client is Ireland—and I stand here the advocate of the rights, and liberties, and constitutional privileges of that people. My only anxiety is lest their sacred cause—their right to independent legislation—should be in the slightest degree tarnished or impeded by anything in which I have been the instrument. I am conscious of the integrity of my purpose—I am conscious of the purity of my motives—I am conscious of the inestimable value of the object I had in view—the Repeal of the Union. I own to you I cannot endure the Union; it was founded upon the grossest injustice—it was based upon the grossest insult—the intolerance of Irish prosperity. This was the motive that actuated the malefactors who perpetrated that iniquity; and I have the highest authority—the ornament for many years of that bench, but now and recently in his honorable grave—that the motive of this proceeding was an intolerance of Irish prosperity. Nor shall I leave that on his word alone. I have other authorities for it, with which I shall trouble you in the course of as brief, for I am exceedingly anxious to make as brief an address as I possibly can. I am not here to deny

anything I have done, or here to palliate anything that I have done. I am ready to reassert in court all I have said, not taking upon myself the clumsy mistakes of reporters—not abiding by the fallibility that necessarily attends the reporting of speeches, and, in particular, where those speeches are squeezed up together, as it were, for the purposes of the newspapers. I do not hesitate to say that there are many severe and harsh things of individuals, and clumsy jokes, that I would rather not have said, but the substance of what I have said I avow, and I am here respectfully to vindicate it; and as to all my actions, I am ready, not only to avow them, but to justify them. For the entire of what I have done and said was done and said in the performance of, to me, a sacred duty—the endeavoring to procure the restoration of the Irish parliament. If I had no other objection to it I would find one in the period in which it was carried—it was a revolutionary period. The nations of Europe were overwhelmed by a military power, inspired as it was by the infidel philosophy of France. At that period, almost every country in Europe was torn from its legitimate sovereignty—people were crushed—princes were banished—kingdoms and states were altered—it was a revolutionary period; but alas! a day of retribution and restoration has come for every other country but this. What has since happened has fortunately restored the natural, or, at least, the political order of things in other countries—every country has its day of retribution and restoration, save only Ireland. Ireland alone remains under the influence of the fatal revolution of that period, and you are assembled in that box to prevent justice being done to Ireland, as it has been to other countries.

This is not the time to discuss how you were put into that box—nor is this the place to get any remedy on that subject. I do not assert the Attorney-General had anything to do with that matter but what the law allowed him to do, and over which the court had no control. If wrong had been done, the remedy lay elsewhere; when, if right was violated, it will be redressed—but here I am put to address you, without either discourtesy or flattery, as to the species of tribunal I am about to offer my arguments. It is quite certain there is considera-

ble discrepancy of opinion between you and me; there can be no doubt of that—there is a discrepancy on one subject, and one of the utmost importance—we differ as to the Repeal of the Union. If you had not so differed, you would not be in that very box. You also differ with me on another most important subject—and that is on the subject of our religious belief. If you had been of the same faith as I, not one of you would be in that box; and these differences are perhaps aggravated by the fact, that I am not only a Catholic, but one who was most successful—and I can say it without boasting, for it is a part of history—in putting down that Protestant ascendency of which, perhaps, you are the champions—certainly you were not the antagonists, and in establishing that religious equality against which some of you contended, and against which all of your opinions were formed. This is a disadvantage which does not terrify me from the performance of my duty. I care not what may be the effect as regards myself—I care not what punishment it may bring down—I glory in what I have done—I boast of what I did. I am ready to defend all I have succeeded in accomplishing. I know I am, gentlemen of the jury, in your power, but I know I am in the power of jurors of honesty and integrity, and I appeal to you as such. There are points on which we essentially differ. The first is the Repeal of the Union—and you are all aware of my former conduct respecting Catholic Emancipation. But you are there to administer justice—you are there to do what is right between all parties; and while I remark these things, it is not because I despair of your doing me justice. I would, however, prefer not being harassed with the thought that by any possibility, either by the infirmity of human nature, or from any cause, other ingredients should enter in.

Gentlemen, I now have done with you. I pass on to the consideration of the case itself. I come to the prosecution. It is a curious prosecution—it is a strange prosecution—it is the strangest prosecution that was ever instituted. It is not one fact, or two facts, or three facts. No; while that for which our criminal law is most lauded is the simplicity with which a particular fact is tried, so that the jury may be disembarrassed from everything else—here it is the history of

nine months you are to go through—here you have a monstrous accumulation of matter flung before you; and I defy the most brilliant understanding that ever ornamented a court or jury to disengage what may be of importance from that which may induce an unfavorable result, but which ought not, legally, to do so. The great difficulty is, to bring such a quantity of matter before you. In doing so your memory fails; and it is worse than a failure, as it is apt to recollect what may be but strong and striking, while it may forget that which should make an important consideration—those parts which are explanatory and mitigatory.

I arraign this prosecution, not in the spirit of hostility or anger, but on constitutional principles—the impossibility of any jury so disengaging that mighty mass of matter now before it as to find out what was really the question to determine. Let me now see whether I can help you in that. I will endeavor to see how much of the affirmative there is in this prosecution, and how much there is of negative quality in it—that is, what it is, and what it is not. The entire strength of this prosecution consists in that cabalistic word, "conspiracy." If I look to any dictionary for its import, or if I ask common sense, I find it means a secret agreement among several persons to commit a crime. That is the common sense view of it, as well as its dictionary meaning—a private agreement among several persons to commit a crime; but this word, in recent times, has been taken under the special protection of the bar. They have not only considered it an offence to conspire to commit a crime, but they have put two hooks into a line—so to divide the subject as both committal of crime that they spell out conspiracy in such a way as to attain that end. I do not think there is much of justice in the second branch, if at all brought into consideration, unless it was so clear and so distinct as to substantiate the offence.

We will now take this conspiracy; let us see whether there are any negative qualities in it as to the evidence produced by the Crown. It is admitted by the Crown itself in this case, that there was no privacy—no secrecy—no definite agreement whatever to bring it about—but, above all, there was no private agreement, no secret society, nothing concealed, nothing

even privately communicated—there was no private information; nay, not one private conversation—every thing was open, avowed, proclaimed, published. A secret conspiracy? which there was no secrecy about!—all lay openly proclaimed, and openly published—whether in the Dublin Evening Mail, or Dublin Evening Post, for all has been raked out of that secret abyss of all secret channels of communication, the public newspapers. Really, it is quite too harsh a thing for one to be called on to defend himself against a conspiracy so perpetrated, committed in open day, and committed by public announcement, with the ringing of bells, to know who would come as witnesses to the conspiracy. To be a conspiracy there must be an agreement; but whether private or not, that is another question, but I insist on it there ought to be something to conceal, and will admit that it should not be in the presence of the legal authorities, nor in the presence of her Majesty's Attorney-General, the Solicitor-General, or any of the learned sergeants. Really, see what a monstrous thing it is to call that a conspiracy which everybody in the world might know, and which all might witness. Some persons had formed the arrangements; it was occasionally attended by Mr. Such-a-one one day, and by Mr. Such-a-one another day; on the third day Mr. Barrett was there; Mr. Duffy once or twice, thus spelling out the affair in that way. In common sense, could it be endured that such should be denominated a conspiracy. A conspiracy! Where was this agreement made —when made—how was it made? Was it made in winter or summer—in spring or autumn? When was it attended—on a Sunday or a week day? Can you tell me the hour of the day, or the month, or the day of the month? Can you tell me any one of the three quarters of the nine months? Who was by, who spoke, who made the arrangements, who moved and seconded the resolutions?

Gentlemen of the jury, I appeal to your common sense—to your reason. Place yourselves for one moment in my position, and you were addressing a Catholic jury; look for one moment and see—how?—with what?—I will not say with indignation—but with what higher feelings of conscious integrity you would laugh with scorn the daring to find you guilty of a

conspiracy, under such circumstances. You have not in this case the slightest shadow of a concoction; you have not one particle of that which should belong to a charge of this sort. I do not even know, from this proceeding, whether I was present at this conspiracy or agreement, either public or private. Ought I not, then, to have the advantage of an *alibi?* If you were to run over the nine months of this conspiracy, it would be a kind of toss-up to know whether I was there or somebody else—to know who was there—and to find out whether this agreement was in writing, or whether it was a mere parole agreement. And I want also to know has any one told you? If there were an action in the Nisi Prius Court, and you were the jury in the box, and that the question was one of plain contract, is there any possibility of your not finding a verdict on a contract which was given in evidence? But here there is nothing of the sort. I remember it being once said to a judge by a lawyer—"O, my lord, it would not be evidence on a ten pound promissory note, but it might be evidence in a criminal case." Your lordship might have heard that such a thing was once said, but I will only say to you that it would not be evidence, as to the £10 contract; they should get the definition—if right, I should be in the bill of particulars. Such a definition—an agency and conspiracy—and not be at last in the bill particulars. I do not mean to profit by the circumstance, but I say it is not in the bill of particulars; and therefore if they had attempted to give it in writing, without giving it in the bill of particulars, they would undoubtedly have shut out from the beginning all evidence. Shall they escape your honest view on such a subject as that of consciences, and if there had been a conspiracy it would be proved, and that the only reason why it is not in all its details, and all its circumstances is because it did not exist. What are they to do? The Attorney-General, forsooth, leaves it to you; the agreement ought to be in reality; it is an imaginary one, and you are to vote that the imagination is a reality, and find me guilty because you imagine.

I do not wish to speak disparagingly of the Attorney-General—no man is less inclined to do so than I am—on the contrary, my lords, I admit the ingenuity with which he stated

the case. I admit the talent he displayed, the industry he evinced throughout. He was eleven hours at it, eleven mortal hours. When did he tell you of the conspiracy? "Oh!" said he, "wait awhile, wait till I come to the close, and when I do come to the end, go back to the beginning, and find out the conspiracy;" and allow me to say, that if any gentleman could have found out the conspiracy, it would have been the Attorney-General. Yes, he did take eleven hours in throwing out that garbage to the jury. "There," said he, "is the Pilot, the Nation. Here are speeches and publications—now find out the conspiracy. The case is good enough for you to make out the conspiracy." I remember a case on the Munster circuit in which the celebrated Mr. Egan was engaged for the defendant. It was stated by Mr. Hoare, a gentleman of dark appearance, who made a very powerful speech on the merits of the case. Mr. Egan said—"Oh, I will make such another—I will." At once—"Gentlemen of the jury," he commenced. Now, he was sure of his jury, and all he wanted was an excuse for them. "Gentlemen of the jury," said he, "surely you will not be led away by the dark oblivion of a brow." One of the counsel who sat near him said, "Why, Egan, that is nonsense." "To be sure it is," was the reply, "but it will do for the jury." So the eleven hours are good enough for you. Oh! it is nonsense—it is criminal nonsense—to call that conspiracy which takes eleven hours in the development. Hardy was tried for constructive high treason. At the anniversary which always took place in celebration of the integrity of the jury, one who had been a juryman in the case was in the habit of attending; when his health was drunk he always made the same speech, to the effect that he was not accustomed to public speaking, and in the course of such speech he would say—"Mr. Chairman, I will tell you why I acquitted Mr. Hardy. The counsel was eleven hours stating the case; there were eight or nine days occupied in giving evidence. Now I know that no man could be guilty of treason when the case could take so many words and such a length of time to prove, so I made up my mind to acquit."

Now what necessity could there be for the Attorney-General to ransack newspapers to make out a case of conspiracy

against the Crown? If the case were a good one, depend on it the Attorney-General has talent enough to tell you all in one hour and a half at the utmost. Give me leave to say—and by what I am about to state I mean to signify no disrespect to the counsel for the Crown—I consider myself, although I am not here with my wig and gown, a barrister still, and I have a fellow-feeling for the profession; but give me leave to say that the Attorney-General unquestionably would, could he have done so, have shown you the when, the how, the manner, he would have pointed out all the particulars. But what has he shown you? Nothing; and he leaves the case in your hands, thinking that it is quite good enough for you. There is no privacy or secrecy even imputed. You have nothing to conjecture—there is nothing supposed to have happened in private—nothing at all. The entire is before you, and, therefore as you know all, I say that there never was a case in which the Attorney-General so signally failed as in the present.

You may remember when this trial was about to commence; the whole country was full of rumors. It was said that something dark and atrocious would come out—that there was a clue to everything. Why, my lords, I do solemnly assure you that no less than seven gentlemen have been pointed out to me after this mode—"There is Mr. So-and-so, one who was seen with Mr. Kemmis's officer." "That man was at the Castle." "That man is a barrister, whose office is not far distant from yours in Merrion Square." "Don't," it was said, "associate with Mr. So-and-so; keep him at arm's length; he is treacherous; he is betraying." I repeat it, that no less than seven persons have suffered in their characters exceedingly by the allegation that they were in fault; the answer was—"They have nothing to betray—much good may it do them; they will invent." Now, it is an acknowledged fact, that informers, who have nothing to tell, invent. Now I ask, after all the rumors which have been afloat, did you not every one of you expect, when you came here, to learn something—did you not expect to have some plot discovered—to hear of some secret organization—to hear some private conversation regarding these traversers given in evidence, influencing and altering

the nature of their public acts? If you were so fortunate as not to expect this, you certainly have not been disappointed; but if you entertained the expectation, was ever disappointment so complete and unmitigated? Go where you please, and you will hear it said, "Oh! is that all the Attorney-General has done? has he nothing more to say? We knew all that before!" A conspiracy! this is a conspiracy! Aye, gentlemen, what has become of the dark designs, the stratagems, the foul conspiracy, the government chimeras dire of the imagination? What has become of them? They are vanished. There is nothing new, nothing disclosed—there is nothing to be concealed. It would have been the duty, I don't deny it, it would have been the duty of the government to prove conspiracy if such a thing existed. Gentlemen of the jury, they had inclination to prove, but they could not. You perceive with what interest they forward every part of this case, but above all, the strong and striking interest they have in discovering evidence of real facts, of existing facts—with what interest they hunt out the conspirators, and follow them to their caves and recesses. Every power, all that influence, and wealth, and authority could do, has been exerted. The expectation of promotion has been ventured—promotion in the constabulary: every temptation held out, but all in vain—for one very plain and simple reason—there was nothing to betray, and you know that. Well, then, what is the evidence? If there was nothing new, let us see what the old evidence is. "The life," they say, "of an old coat is a new button." What does the evidence consist of? First, meetings; next, newspapers. They spell out an undefined conspiracy—that conspiracy existing in the imagination—a conspiracy without position or time; and to prove that conspiracy, they produce accounts of meetings and volumes of newspapers.

We will consider each of these consecutively. First of all, you allow me to make this observation, as there is nothing secret. I ask you what could tempt me, an old lawyer, to enter publicly into a conspiracy? I boasted that I kept the public free from the meshes of the law—I say that I boasted of this. You have heard the statement read at least twenty times. I boasted of preventing men from violating the law

Now, do any of you believe that, after this, I could enter into a public conspiracy? You might say, if there was something private—something secret, you might then say, "the old lawyer thought he would be secure of his co-conspirators;" but there is nothing secret. Under all all these circumstances you may, perhaps, have a more terrible opinion of me than those who I will venture to say know me better. You know me principally through the medium of the calumnies and abuse heaped upon me by those parties against whom I am opposed, but there is not one of you can consider me such a blockhead, such an idiot, as that I should publicly conspire to ruin the cause which is nearest to my heart—to ruin a cause which has been the darling object of my ambition—that I should ruin the prospect of that for which I refused to go on the bench, and the offer of being the Master of the Rolls. It is a question whether I did not refuse the Chief Baronship before ever it was offered—but there is no question that I did refuse the offer of the Mastership of the Rolls.

Gentlemen, I know that I have but a short time to labor in my vocation here, and that there is an eternity on which I must soon enter. I approach that judgment which cannot be long postponed, and do you believe that under such circumstances I would be guilty of that with which I stand charged? Ah, no, you do not think I would have the cruelty, the folly, to enter into such a conspiracy. You do not believe I would have the absurdity to enter into that conspiracy. As Irish gentlemen, put your hands to your hearts, and say do you believe it? I am sure you do not. Pardon me if I have made too free, but I will say there is not one of you can spell a conspiracy out of all that was laid before you during the eleven hours in which the Attorney-General was ringing changes on that word, going backwards and forwards, from meeting to meeting, and from policeman to policeman, in colored clothes and out of colored clothes—not one of you can believe that any such conspiracy ever existed. I proclaim, firmly, you cannot believe it. I know your verdict may imprison me, and shorten the few days yet before me, but it cannot take from me the consciousness that I am entitled to your acquittal, and that there is not a man of you who would

pronounce a verdict of guilty that would not himself be conscious of its being a—mistake. Perhaps what the Attorney-General wants you to believe is, that I was a conspirator without knowing it—that I fell into a conspiracy as a man falls into a pit might, without knowing it was there. This was in the open day. I saw the pitfall. Everything was clear, and if you believe anything against me, you must believe I was a conspirator without knowing it—a conspirator ignorant of conspiracy—and that is the question you are selected to try. In the technicality of law, I would say that even in that case there could be no guilt, for there can be no guilt without guilty intention: but I scorn to make points of law—as a matter of common sense this is plain and obvious, and, I trust I may say irresistible.

Oh, this is a curious invention—this sweeping conspiracy of the Attorney-General! It has been so powerfully put to you already that I shall not repeat it at any length, that there would be an end to every great movement for the amelioration of human institutions if you were to concede to the Attorney-General's conspiracy, which has neither been stated nor proved. It is a new invention made at this side of the water. Some exceedingly sagacious person here first dreamed of it; and you were to be put as it were into a sleep with this incubus—this imaginary conspiracy—conspiracy resting on your consciences and minds. But why was it not sooner invented? There was the slave trade—would that ever be abolished if the Attorney-General's doctrine of conspiracy had been enforced as law? Would it ever have been abolished if the judges of the King's Bench had given this doctrine of conspiracy the sanction of their authority? The advocates of the abolition of the slave trade had their public meetings, they had their monster meetings—they had their aggregate meetings—they had their private meetings; they published the guilt of the West India planters, and the cruelty of the slave-owners; they made themselves bitter, unrelenting enemies by so doing; for it is astonishing how much malignity arises from that inherent, unhappy propensity in man for power and authority. There never was a more formidable party than that which was

arrayed against the slave-owners. They might have looked in the newspapers, and found every species of guilt charged against them by Wilberforce and others. Why was not Wilberforce charged with conspiracy? That man who wrote his name on pages of the most brilliant history and humanities of men, who will be revered as long as worth, generosity, and piety are in the world. Oh! he might have stood, as the humble individual before you stands, accused of conspiracy, because he sought to put an end to the thralldom of the slaves. The venerable Clarkson, who is still alive, might also be charged with conspiracy, and thus rendered unsafe in his honored old age.

Ah! gentlemen, do not presume to interfere between humanity and its resources. Do not venture to arrest the progress of any movement for the amelioration of the institutions of the country. Do not attempt to take away from your fellow subjects the legitimate mode of effecting useful purposes by public meetings, public convassing—speaking bold truths boldly and firmly. Shut not men up in dark corners—drive them not into concealment—send them not back into conspiracy, for then they would really conspire. In the name of Wilberforce and Clarkson I conjure you to dismiss from your box with honest and zealous indignation every attempt to prevent the millions from seeking peaceably and quietly to obtain an amelioration of existing institutions. There may be a little ingenuity displayed in reference to this comparison of the present movement with that for the abolition of slavery, and a distinction may be taken. There is a distinction, but the principle is the same.

The next conspiracy was for the abolition of the slave trade. I rejoice that I was a sharer in that conspiracy. I care not though the gloom of a prison should close upon me, my heart rewards me with the consideration that humble, ungifted, and undistinguished as I am, I had the honor to belong to that conspiracy by which the slave trade was abolished. I attended a meeting for that purpose, and poured out, perhaps with more talent than the inspiration of liberty could ever give for anything else, my indignant load of con-

tempt on those who practiced slavery and trampled under foot the humanity and kindliness of our nature. I had a share in that movement. Oh, how would they have stared if this doctrine of conspiracy was sooner invented, and the slave bound forever, till somebody with milk and water accents—with mild tea-table talk endeavored to persuade some one to abolish it, until some one went to America and spoke soft things to the owners of the negroes, and having, in as gentle a way as possible, insinuated the atrocities practiced towards the slaves, then, by and by to coax the owners, and win upon them to consent to the abolition of slavery. Oh, gentlemen, it was the calling down of public indignation—the rousing of all that was virtuous in the public mind, and that Heaven descended spirit of persevering, open, bold humanity that shook off the fetters of the negro, and re-established him in freedom. What would become of reform in parliament if such demonstrations of public opinion had not been made? Was there a man among the Whig aristocracy that did not approve of it, not join in such demonstrations? Were there not great meetings held? You have heard of the Birmingham meetings, and hundreds of other meetings for the purpose of obtaining parliamentary reform. What reform in parliament could be obtained without such meetings? Would the additional reform promised in the Queen's speech ever be carried, if England did not assemble in her countless thousands? And in Ireland the agitation for Repeal had already extracted promises of good for Ireland, even from those who had been the enemies of the restoration of the Irish parliament.

At the time of the agitation for Catholic emancipation, the most eminent lawyer of the period—and the Attorney-General will not think that I pay him no respect when I say he was his superior, certainly his equal. He was an eminent lawyer, and had a strong, and perhaps conscientious, antipathy to Catholic emancipation. I do believe there was no more decided or honest opponent of that measure than Mr. Saurin. He thought the law was violated by that agitation. He prosecuted some of those engaged in it. He was defeated in one trial, and he succeeded in another. But would he ever

dream—would he in the very wildness of imagination think of turning the efforts made for Catholic emancipation into a conspiracy? I was prosecuted for words spoken. My friend on my left (Mr. Sheil) was prosecuted for words spoken, but the Attorney-General never thought of violating the constitution by turning those efforts for emancipation into a conspiracy. Yet had not we our county meetings—our simultaneous meetings? Did not, on the 30th of January, 1829, all the Catholics of all the parishes in Ireland meet? Was that evidence of a conspiracy? Upon one day every parish in Ireland met. On one day they proclaimed a determination to persevere till they obtained religious equality. No man ever dreamed of turning that into a conspiracy. It was reserved for our time—it was reserved for our day—it was reserved for the glory of the present Attorney-General to have found out that which none of his predecessors could possibly discover.

Gentlemen, at the present moment a very serious question is in agitation in England—the Corn Law League. I care not what your opinions are with regard to that question—I mean no disrespect—they say the object of that league is to obtain cheap bread for the poor, and an increased market for labor. I do not mean to argue the point with you; we have enough of our own. They have held many meetings, they have used the boldest language, and the Rev. Mr. Fisher has accused them of inciting to assassination and incendiarism. We are free from that accusation, we are free from the slighest imputation, and is this case to be sent over to England to put down that glorious struggle? and is the attempt to give cheap bread to the poor to be turned into conspiracy? Oh no, gentlemen, no! The English are safe in the glorious integrity of their jury box; there won't be a single juryman sworn to try them who differs with them in opinion—there won't be a juryman sworn who even differed with violence upon any principle with the traversers. No; the Englishmen are safe—I was wrong in saying they were in danger—the Englishmen are safe in the protection of their jury box—and do you, gentlemen, protect us as the English protect them. Indeed, it is manifest, if the Attorney-General triumphs in this case, no great grievance can be redressed.

When authority and power are interested it requires a more cogent argument than justice to obtain relief, and it is only obtained by the power of public demonstration, and the accumulated weight of public opinion. A French author says—I do not quote him as an authority, for no man hates French infidelity and French republican opinions more than I do; but a French author says that "You cannot make a revolution with rose water." He would make it with blood —I would make it with public opinion, and I would put a little Irish spirit in it. But I come to the menagerie of evidence which sustains this case. I told you there were two classes of evidence—if I am not wrong in using the words monster meetings and newspaper publications—we will take each of them. I am not here to deny that these meetings took place. I admit that they were held. I admit that the people attended them in hundreds and hundreds of thousands, but it has been said that the magnitude of these meetings would alone make them illegal. I do not discuss that question. I do not give it weight enough to do so. But I again admit that they took place, and I will ask you, was any life lost at any of those meetings? You will answer no! not one! Was any man, woman, or child injured? You will answer no! unanimously no! Did an accident happen to any living thing so as to injure it in the slightest degree? Was there a single female, young or old, exposed to the slightest indelicacy? Was there one shilling's worth of property destroyed at any one of those meetings? You will answer me, unanimously no! Oh, but I forgot—there was a policeman in colored clothes who described a ferocious assault made by the people coming in from Carlow, which very nearly overturned the gingerbread and apple stands of the old women—and the amount of violence perpetrated was the overturning of some gingerbread stands. If there had been any violence committed would we not have heard of it? would it not have been proved by the policemen or magistrates who attended?

Oh, gentlemen, it is ridiculous—that is, it is the prosecutions which are so. There was no violence, no battery, no assault, no injury to property, not the least violation of morality, or even of good manners. Not one accident happened at one of

those meetings; not even a casual accident; and if I incited the people, and had them ready for rebellion, would they have been thus restrained? and would they not have committed outrages by which their feelings would have been manifested? But no, so completely were they devoid of ill-feeling, so completely had every harmonizing influence sway over them, that grown mothers and young mothers carried their infants with them as their best and surest protection. Oh, it would delight you to have seen them! The men stood back for them to pass! the mothers and daughters knew that they had their husbands and brothers there, and so help me Heaven! I withdraw the violence of expression, and I say, that there could not have been a more convincing and triumphant evidence of the total absence of irritated feelings, than the kind of feeling which they evinced. I turn boldly and say, the world does not produce a country where such meetings could take place. They could only occur among this calumniated people, who, according to the Times, are "a filthy and felonious multitude." Yes, there are no people on the face of the earth, except the Irish people alone, who could afford such a specimen of moral dignity and elevation. They have been educated to it—forty years have they been so—the Emancipation educated them, and now they are sublimed into peaceful determination. They will not be ruffled by anything which may have happened in this court. They will abide your verdict; they may disapprove of it if it is unfavorable, but they will not be guilty of the slightest violation of the law. But was any one intimidated by those meetings? They could have produced magistrates or policemen, one by one, to prove their intimidation. They could have produced the most timid, either in pantaloons or petticoats, to prove there was intimidation. With the most ample means of proof, there is the greatest neglect of evidence. My lord, I appeal to your lordships, if there was one particle of intimidation—is there one particle of such evidence before you? And is it not thoroughly certain that it is so only because such evidence is not in existence? Gentlemen of the jury, it is not that alone—it is not purely inferential—the police were at the meetings; they might have asked if any one complained to them—whether the most timid person in

the neighborhood or vicinage expressed alarm or apprehension. They asked them no such question; it had been answered already.

Now, my lord, there was another feature in those meetings, to which I shall beg to call your attention. There was not one of those meetings at which any mandate from authority was disregarded; no proclamation was disregarded, no magisterial warning resisted in the lightest degree. There was no message or personal intimation from any justice of the peace treated with disregard—no police inspector, or sub-inspector, or constable disobeyed. Recollect that, my lords—remember that, gentlemen of the jury. There is not the slightest evidence of even the smallest disregard of legal authority. If we were seditious, why did we not get some warning? Why was there not a proclamation issued against these meetings? Oh! but there was a proclamation at length. I do not like to enter upon any angry topic; but that proclamation was immediately obeyed. You have no evidence of any conspiracy in any one of them, no evidence of anything but a ready submission and obedience to the law. Conspiracy—shame on those who invented such a term, as applied to men laboring, as we were, in the sacred cause of our country's liberty—obeying the laws, committing no violence. No, my lords, no. We have had many misfortunes in this country, many afflictions, many things to endure. Oh, gentlemen, your verdict will not be an additional one. It will be such a verdict as will calm the troubled waters. If those meetings were tranquil before, why there is no need of it. If the language was harsh or violent your verdict will soothe and soften it. Even the excuse of violent language they shall never have again. No, gentlemen, they were not illegal meetings, they were meetings, as I will show you, suited to the purpose they had in view. If it were at one, or two, or three, or ten of them that tranquillity had prevailed, it would, perhaps, seem casual, but at every one of them the behavior of the people was the same. The entire thirty-seven included in the indictment come within the same catalogue. It could have been by nothing but design, when you accumulate the number, that the same peaceful demeanor prevailed at all of them. The government knew of them; why

was not their illegality previously imputed to them, if it existed? I am not one of those who would insinuate or say that the Attorney-General meant to urge them into criminality, in order that he might pounce upon them. I say no such thing—I would do him more justice. He did not previously interfere, because there were no grounds for a prosecution—there was nothing to warrant his interference. That is his defence. And I do not attach any criminality to him for not having interfered with them before.

[Mr. O'Connell here had a short conversation with Mr. Shiel, after which the learned gentleman resumed.]

I am told that I used an equivocal word—I said that those meetings were quiet by design. I repeat it. The design preexisted long before one of them was held—the design to be quiet and peaceable existed, and it will continue to exist. There was no such arrangement for any particular meeting. That was the education which I spoke of the Irish people having received—the education that the only certain way to establish their rights, and to obtain valuable amelioration and free institutions, was by peaceable conduct and obedience to the laws. I ask you, gentlemen, what evidence is there of a conspiracy from what has passed at any of these meetings? I leave it to your conscience—to your integrity, to answer the question. What care I what your politics are—you will answer before your Maker for the verdict you pronounce—I leave the responsibility to you. This is one part of the conspiracy, and the next is the publications in the newspapers. Do not imagine I am going to detain you in canvassing all the phrases and sentences that have appeared in these papers. I am not. You have been powerfully addressed on that topic already. I shall take up the general nature of the evidence of those newspapers, from which you are called upon to fabricate a conspiracy. I submit that, with the exception of what is proved to have been delivered by me, the evidence of these newspapers is no evidence against me, unless the conspiracy is first proved. And see what a circle that would lead you into. Are you to find the evidence of conspiracy from the newspapers? The newspapers are no evidence against me

unless I be first proved to be a conspirator. Be that as it may, I shall leave it to the court as a matter of law, but I leave to you the weight, the worth of the evidence, should that evidence go to you at all. Suppose it does, what is there in it against me?—what is its substantial weight against me? Is there any proof that I ever saw one of those newspapers? Is there any proof of any connexion between me and those newspapers? It will appear by the dates that when some of the harshest passages in them were printed I was not in town—I was attending those meetings in the country, and it was moved that at the association I distinctly disavowed that any newspaper was the organ of it. But it is said that we circulated these newspapers. See what the fact is. Those who subscribed a certain amount allocated a portion of it, according to our rules, to the purchase of a newspaper, and they were entitled to any paper they might select. The evidence is not that we selected any newspaper for them, but they ordered any one they pleased; and bear in mind at the same time that we proclaimed that not one of them was the organ of the association. It is said that these newspapers contained libels. If they did why were they not prosecuted? They were answerable for it under the law of libel. That should be our protection, if there were libels in them. The Attorney-General was competent to institute a prosecution. It was not our duty to examine them—it was his. But the fact is, the Attorney-General would have prosecuted every one of those newspapers long ago if he thought it worth his while.

Every great newspaper "WE," imagines himself a man of great importance; but when once these newspapers are read—if read at all—they are forgotten; and, I would venture to say, that not a particle of what is charged here as published by them would be thought of now if it was not for these trials. They are ephemeral productions—we are accustomed to them—they are either read and forgotten, or not read and passed by. But what is it they are charged with? Exciting the people to violence and tumult. Did any one of them produce such an effect? Was there any sort of violence among the people? You, gentlemen, have to decide whether that political problem I have sought to solve—whether the

political theory I have sought to realize, that which has been the leading principle of my political life—is one in its nature to be considered fairly, honestly, and liberally. Yes, gentlemen, if you thus regard it you will take the whole tenor of my past life into consideration before you come to a conclusion as to the verdict which you ought to return, and you will form your judgment by a reference to the great and leading principles of my political career.

It appears to me that the Attorney-General himself, if I did not misconceive the drift of his observations, admitted the peaceable nature of my intentions; and of this there certainly can be no doubt, that the newspapers which have been given in evidence against me are full to overflowing with my admonitions to the people to observe the laws and to yield the most implicit obedience to everything having the shape and semblance of legal authority. Evidence the most convincing has been adduced, even by the Crown, to demonstrate what the great principle was upon which the Repeal movement was founded and designed. It has been proved to you that this maxim received universal acceptation among us—that the man who commits a crime gives strength to the enemy. This sentiment was printed upon flags and banners—it was attached to all our documents—it was inscribed upon our platform, and painted on the walls of the association. It was universally acknowledged among us as the cardinal maxim of our political lives, and was the topic of our conversation. We left nothing undone to impress upon the minds of those who joined the movement that the man who committed an offence against the law gave strength to whoever might be the enemy of our cause. Such was the principle that we proclaimed. It may be said that it was one that savored of hostility; but if so, it had only a stronger effect on that account. You have heard again and again of my assertion that the most desirable of all political ameliorations were purchased at too dear a price if they could only be obtained at the expense of human blood. That is the principle of my political career; and if I stand prominent among men for anything, it is for the fearless and unceasing announcement of that principle.

From the day when first I entered the arena of politics until the present hour I have never neglected an opportunity of impressing upon the minds of my fellow-countrymen the fact, that I was an apostle of that political sect who held that liberty was only to be attained under such agencies as were strictly consistent with the law and the constitution—that freedom was to be attained, not by the effusion of human blood, but by the constitutional combination of good and wise men—by perseverance in the courses of tranquillity and good order, and by an utter abhorrence of violence and bloodshed. It is my prudent boast, that throughout a long and eventful life I have faithfully devoted myself to the promulgation of that principle, and, without vanity, I can assert, that I am the first public man who ever proclaimed it. Other politicians have said, 'win your liberties by peaceful means if you can,' but there was a *arrière pensée* in this admonition, and they always had in contemplation an appeal to physical force, in case other means should prove abortive. But I am not one of these. I have preached under every contingency, and I have again and again declared my intention to abandon the cause of Repeal if a single drop of human blood were shed by those who advocated the measure. I made the same principle the basis for the movement in favor of Catholic Emancipation; and it was by a rigid adherence to that principle that I conducted the movement to a glorious and triumphant issue. It is my boast that Catholic Emancipation, and every achievement of my political life, was obtained without violence and bloodshed; and is it fair, I ask you, gentlemen, that you should be called upon at this hour of the day to interrupt a man who has laid that down as the basis of his political conduct, and who at no period of his existence was ever known to deviate from the maxim? Is it right that men of honesty and intelligence should be called upon to brand now as a participator in conspiracy the man who has been preaching peace, law and order during his whole life, and has invariably deprecated and denounced the idea that the objects of his political life were to be attained by an appeal to violent means?

Gentlemen, I belong to a Christian persuasion, with whose members it is a principle of doctrinal belief that no advantage

to church or state—no, not even Heaven can be sought to be attained at the expense of any crime whatsoever; that no sin is to be justified or palliated by any account of advantage, however enormous, that may possibly be obtained by its commission. If there were in that box a single member of my own religious persuasion there would be no necessity for my impressing this fact upon your minds, for he could tell you that he professed that same doctrine in common with myself. All my life I have studiously endeavored to model my political conduct according to the standard of that maxim of my religious belief, and, therefore, should you now be called upon to do your judgment and common sense the violence of believing that I could proclaim one thing and practice another, I fearlessly assert that there is no circumstance of my life, from my birth to the present hour, which can warrant you in doubting the sincerity of my professions. It will appear from reference to the newspapers that have been given in evidence —and even though there were no newspapers, the fact is so notorious as to admit of no dispute—that no man ever possessed so much of the confidence of the Irish people as I. No man enjoyed it so unremittingly, and in so large a degree. I have obtained the confidence of all classes of the Catholic laity, and of the poor Catholics alone whose condition might be ameliorated by any charge but of the middle and higher classes also. I have also the honor of enjoying the confidence of the Catholic clergy, and the Catholic episcopacy, and to what am I to attribute the possession of their good graces unless to the assertion of this principle and to the unswerving fidelity with which through all the vicissitudes of my political life I have invariably adhered to it. How long could I possess their confidence if I were the base deceiver I am pictured? Not an hour. But I possess their confidence, because they are thoroughly convinced of the sincerity and integrity of purpose with which I have announced my sentiments.

I am here surrounded by my countrymen, who have confided their cause to my management, for no other reason than that they have the fullest possible reliance on the sincerity with which, during a period of forty years, I have proclaimed the doctrine that the man who committs a crime injures the

cause he espouses, and strengthens the hands of those who are its antagonists. My whole life is a refutation of the accusation that I am insincere; and is the invidious task now to be assigned to you, gentlemen, of branding your countrymen as fools and dotards—men who patronize hypocrisy, and who for near half a century have suffered themselves to be befooled and deluded by empty pretences? The public will not believe it—England will not believe it—nor will any enlightened country in creation believe it. I am here pleading before the European world. I am here pleading the cause of my country before a jury of Protestant gentlemen, in presence of the kings and people of the universe, and with what amazement will they not gaze upon you if by a verdict which doubts for a moment the sincerity of my political professions, you brand as fools and dotards millions of your Catholic fellow countrymen, and with them, many, very many Protestants of the greatest intelligence and the highest possible respectability. No, you cannot for a moment question the honest sincerity with which I have ever advocated that glorious principle, the advocating of which was the pride of my youth, the glory of my manhood, and the comfort of my declining years. I feel I have not done you justice in pressing this topic at such length upon your consideration. Such prolixity was unnecessary; for I am sure you are wholly incapable of taking such a view of my conduct as that insisted on by the Crown.

The only farther observation which I will offer upon this branch of the case is merely to state that I doubt whether my sincerity in this respect has ever been questioned, even by the most implacable of my enemies. I do not think that it was ever publicly impugned, and certain I am that it ought never to have been impugned either publicly or privately. It is utterly impossible for me to believe that after having been so successful in my endeavor to obtain popular rights by means purely consistent with justice, humanity, the law, and the constitution, I could now fling to the winds every principle of my bygone life, and assume the character and play the part of a conspirator. Nothing in my public conduct, I must again repeat, could justify such a suspicion. Nay, I fearlessly aver, there are incidents in my public life which give the lie to any

thing like the entire of it; but allow me to read for you the concluding passage, because it turns on a topic I am now discussing.

[The honorable and learned gentleman read the passage alluded to.]

Is that sectarianism? Is that preferring the interests of a party or portion of the people to the nation at large? Sectarianism! Why, gentleman, you cannot but be aware that the cause of the Protestant dissenters of England was warmly advocated by me—that it was I drew up the petition in favor of the English Protestant Dissenters—that that petition was signed by twenty-eight thousand Catholics, passed at meetings of the association, and afterwards at the great aggregate meeting of Catholics, and that petition which I drew up was not upon the table of the House of Commons six weeks when the Protestant Dissenters of England were emancipated. I therefore treat with contempt and indignation the idea of sectarian difference; and again, throughout the entire volumes that have been presented to you, has there been one word of a bigoted description found among them?

I have made more speeches than any other public man that ever existed—I have been more abused than any other man, but amidst all their calumnies they never flung upon me an accusation of bigotry against my fellow beings of any other persuasion. I have been calumniated in everything else—in that I have been spared, and why? because the folly and futility of the calumny was so excessive that even my calumniators spared me on that point. Sectarianism, therefore, is out of the question; but what was our mode? Legal and peaceable, and constitutional proceedings. I need not remind you again that I possess the confidence of the Irish people. I possessed it with a full repetition of my determination that all should be peaceable, with my full declaration that one single act of violence would detach me from the Repeal agitation. But it has been said I made violent speeches. Has any violence proceeded from me? If I have made violent speeches would it not be fair to give me a recent and speedy opportunity of seeing how far the reports of those speeches were

science, if you can, that man is a hypocrite, who, without anything in the world to move him but adherence to his principles, flung away the instrument that would tarnish his cause, however useful it might be.

Another thing in my public life was that I opposed, at the risk of my popularity, and loss of popularity, the present system of poor-laws. With the influences I possess, could not I have roused the poverty of Ireland against its property, and insisted that all that were poor should be fed by all that were rich, as others did? No; I saw the danger of such a proceeding. I was taunted by many a sincere friend—sneered at by men who have joined me again. No, no; I consulted my conscience, and that conscience told me that the real nature of the provision makes more destitute than it relieves—that its machinery must be the great burden on the property of the country. But, my lords, since it became law, I have not given it any opposition. I have allowed the experiment to be tried, and those who were most inimical before have vowed that I was right, and they were wrong, and I am ready to ameliorate it, and assist its working if I can.

Gentlemen, you also recollect it is given in evidence the manner of my answer to young Mr. Tyler's speech and letter; you saw from that and from the speech given in evidence by Mr. Bond Hughes; and now, my lords, as I have mentioned that name, I think it right to say that as I was one of those convinced that that gentleman had willfully sworn what was not true, I am glad to have mentioned his name, because it affords me an opportunity I am proud to take of stating, that I never saw a witness on the table who gave his evidence more fairly than Mr. Bond Hughes, and I am thoroughly convinced that the contradiction in his evidence was a mistake that any honest man might fall into. It is not part of this case, but I am sure your lordship don't think me wrong in making this public avowal.

Gentlemen, it appears by his report also, how emphatically I informed the Americans that we were anxious for sympathy from them, but that we would take no part, in the slightest degree, disparaging of our allegiance. But that is put still more strongly when you recollect the denunciations I made of

the American slave owners. Large sums of money were sent from the American slave-holding states—the remittances were in progress—money was in progress of collection in Charleston, South Carolina; but did I mitigate my tone, or moderate my language in condemning the principle of slavery? Did I not denounce the slave owners as enemies of God and of man—as culprits and criminals? Did I not compare association with them to association with pickpockets and felons? Did I not use the most emphatic language to express my denunciation of the horrible traffic in human beings—of all the immorality, and all the frightful horrors that belong to that system? Oh, if I was a hypocrite, would I not have passed over the topic with a few soft words, and have accepted their sympathy. Is there hypocrisy in my public sentiments that no amelioration in any public institution can be worth one drop of blood?

Gentlemen, you have in the newspapers, also, that the democratic party in France, headed by Monsieur Ledru Rollin, offered us sympathy and support. It is a considerable party—it is a powerful party—it is the party that hates the English—the party most of all ferocious against England, a hatred which arose from the blow their vanity got at Waterloo. You have my answer to that offer. Did I seek his support, or the support of his party? Did I mitigate and frame my answer in a way that I should appear unwilling to accept that support, but really allow it? No; I took the firm tone of loyalty—I reject their support—I refused the offer; I cautioned him against coming over here, for we would do nothing inconsistent with our loyalty; and is that the way in which my hypocrisy is proved? Gentlemen, it was not that party in France alone that I defied. Even at their present monarch I have hurled my defiance. To be sure, the Attorney-General, with great ingenuity, introduced a report of the secret committee of the House of Commons in Ireland, in 1797, and he said we were acting on that plan. They were looking for French assistance—they had Irish emissaries in France—they had probably persons representing the French here—acting on the plan; imitating the conduct of the United Irishmen in 1797! Oh, gentlemen, it was directly the reverse.

It may be said I speculate on the restoration of the elder branch of that family—Henry V., as he is called. I would be very sorry to wait for a Repeal of the Union till that occurs, not that I disparage his title—for my opinion is, that Europe will never be perfectly safe until that branch of the Bourbon family be restored under liberal institutions. But I refused any, even the slightest assistance from that party. I hurled the indignation of my mind against the man that would force the children of France to be educated by infidel professors. I am not entering into the topic farther than you have seen by these reports of my antagonism to the French government.

There is another matter in my life—my opposition to the Chartists. Recollect, gentlemen, that when the Repeal Association was in full force, the Chartists were in insurrection in England—that they were entering in hundreds and thousands into the manufacturing towns of England—recollect, gentlemen, that there is something fascinating to all the poorer classes in Chartism. Oh! if I was playing the hypocrite, would I not have been mitigated in my tone respecting them? I did denounce them. I kept the Irish in England from joining them. The very moment a Chartist subscribed to the funds of the association his money was handed back to him, and his name struck off our list. Now, if my object was popular insurrection, good Heaven! would not any man in my situation have wished to have strength? There was no oath to be taken—no danger of the penalties of the law—yet I discountenanced Chartism. And, my lord, I do firmly declare, that is my conscientious conviction, that if I did not interfere, Chartism would have spread from one end of Ireland to the other. Gentlemen of the jury, these were the societies I succeeded in driving from Ireland, and I am to be charged with a conspiracy for this!

Another point to which I will call your attention is this—it has been my constant aim to pay the most devoted allegiance to the Queen; you have it in evidence, and you have heard it read out of all the newspapers, that the name was treated with the utmost respect, attention, regard, and delight, in every place, by the Irish people. I have never made a speech which did not breathe the most dutiful and affectionate loyalty

to her person, crown, and dignity. I stand here and repeat, I never made a disloyal speech; I always made a difference between the Queen and her ministers, and the Attorney-General has no right to say that I ever uttered one particle of disloyalty in arraigning the speech alluded to. When I spoke, I made the distinction between the minister and the sovereign, and I say there is not a particle or taint of disloyalty in the observations I made. I answered that speech, not as the speech of the Queen, but of the minister of the day, and I say there is no taint of disloyalty in it. I am come to a time of life when she can do nothing for me; and yet I am sure there is not a man in the court who could infer that I meant disloyalty.

In one thing I think the Attorney-General did not act fairly to me; and it does afflict me that I should be charged with disloyalty to the sovereign in the manner as he has sought to fasten it on me. In speaking of the ministry, the word Judy occurred, and then the Attorney-General tells you I called the Queen a fishwoman. That speech had no reference to the Queen at all—don't believe it; I feel angry at it. That speech had reference to the minister alone, and to him I applied the term "Judy," and nothing else, and it is utterly false that I used the word to the Queen; and I here disclaim, abjure, and disavow the man who would be capable of using such language to the sovereign.

No matter what I may be accused of, I have never been accused of disloyalty or disaffection to my sovereign, and I repeat I never did any such thing as the Attorney-General has stated to you. When I did use strong language, I have always distinguished between the Queen and her ministers. Gentlemen, I fear I have detained you rather longer on this point than I had intended, but I have to judge of my case by referring you to my public conduct which is fully before you. I may have talents, and whatever they were I must now say, in the decline and evening of my life, that my long and ardent desire was breathed for the liberties of my country.

Gentlemen, it was said the meetings, when they took place, had some object; so they had: the Repeal of the Union. Was that a bad or injurious purpose? I deliberately say it was

not; no, it was the most useful that could possibly be had for the benefit of this country. I say there is not a man in this court, the neutrality of the court alone excepted, that ought not to be a Repealer, and I think before I sit down I will make you all Repealers. I will show it is your duty to join the Repeal cause, and then I am sure you will have pleasure in doing so. I mean, in the first place, to show you the destruction caused in this country by the English parliament—that it had from the most remote period watched this country with a narrow jealousy. I will give you some evidence regarding the woolen manufacturers of this country. It is a long time ago, and occurred in the reign of a King whose actions you are not inclined to condemn. I will show that the settlement of 1782 was to be a final adjudication and establishment of the Irish parliament forever. In the next place, I will show you the great prosperity of Ireland subsequent to that period. I will next show you that the Union was founded in the grossest injustice and fraud—I will show you the distress that followed the Union statute—I will show you the ill-treatment of Ireland by England, which is a matter of history so well known, that I will not detain you on the point. Yet, being brought here by the Attorney-General, my defence is, that I am not looking for what is injurious to the country, but for what would be of the greatest possible benefit to this country. I have a right to this; for I have represented the county of Clare, with 250,000 inhabitants; I have represented Waterford, with 300,000 inhabitants; I have represented Kerry with 260,000 inhabitants; I have represented Meath with 300,000 inhabitants; and I now stand here, the proud representative of the county of Cork, with her 730,000 inhabitants; and I feel it a duty I owe to the country, to state that I am seeking what will benefit her inhabitants. I twice represented the city of Dublin, and I feel gratitude to the Irish people for the confidence reposed in me, and I here stand up to demand for her just rights and privileges. I first propose to show the misgovernment of Ireland by England, and I will do so from a French author. He was a historian, and one of the literati of France, and I will give you his description. Hear what he

says. It is from Thierry's History of the Conquest of England by the Normans, 3d vol., p. 430:

"The conquest of Ireland by the Anglo-Normans is perhaps the only one which has not been followed by gradual amelioration in the condition of the conquered people. In England the descendants of the Anglo-Saxons, though unable to free themselves from the dominion of the conqueror, advanced rapidly in prosperity and civilization. But the native Irish, apparently placed in similar circumstances, have for five centuries exhibited a state of uniform decline. And yet this people are endowed by nature with great quickness of parts, and a remarkable aptitude for every description of intellectual labor. The soil of Ireland is fertile and adapted to cultivation; yet its fertility has been equally unprofitable to the conquerors and the conquered, and the descendants of the Norman, notwithstanding the extent of their possessions, have become gradually as impoverished as the Irish themselves. This singular destiny, which presses with equal weight upon the ancient inhabitants and the more recent settlers of Ireland, is the consequence of their proximity to England, and of the influence which, ever since the Conquest, the government of the latter country has constantly exercised over the internal affairs of the former."

There is a disinterested and impartial history giving you this melancholy picture of the state of things, and you see it is all owing to the baneful influence of the English government on this country. The next authority which I shall quote is not one that would be found in the same ranks with the last—it is Mr. Pitt. In speaking of the commercial propositions of 1785, I find he says:

"The uniform policy of England had been to deprive Ireland of the use of her own resources, and to make her subservient to the interests and the opulence of the English people."

That is not my language, gentlemen; they are the words of Pitt, avowing that the policy of England had always been to use Ireland for her own purposes. I will read another authority of more consideration with you—it is that of the Lord Chief Justice Bushe, delivered in parliament in 1799:

"You are called upon to give up your independence, and to whom are you called upon to give it up? To a nation which for six hundred years has treated you with uniform injustice and oppression."

These, recollect, are the words of Lord Chief Justice Bushe, and not mine.

"The treasury bench startles at the assertion—*non meus hic sermo est.* If the treasury bench scold me, Mr. Pitt will scold them—it is the assertion in so many words in his speech. Ireland, says he, has always been treated with injustice and illiberality. Ireland, says Junius, has been uniformly plundered and oppressed. This is not the slander of Junius, nor the candor of Pitt—it is history. For centuries has the British parliament and nation kept you down, shackled your commerce, and paralyzed your exertions; despised your characters, and ridiculed your pretensions to any privileges, commercial or constitutional. She has never conceded a point to you which she could avoid, or granted a favor which was not reluctantly distilled. They have been all wrung from her like drops of her blood."

The words are not mine, gentlemen.

"And you are not in possession of a single blessing (except those which you derive from God) that has not been either purchased or extorted by the virtue of your own parliament from the illiberality of England."

In 1798, when a government pamphlet was published by Mr. Secretary Cooke, which first broached the subject of the Repeal of the Union, he says:

"A Union was the only means of preventing Ireland from growing too great and too powerful." At the same time admitting—"When one nation is coerced to unite with another, such union savors of subjection."

I will quote again from Lord Chief Justice Bushe:

"In denouncing England's intolerance of Ireland's prosperity, during the debates on the Union, he used the following language: "I strip this formidable measure of all its pretensions and all its aggravations: I look on it nakedly and abstractedly, and I see nothing in it but one question—will you give up the country? I forget for a moment the unprincipled means by which it has been promoted—I pass by for a moment the unseasonable time at which it has been introduced, and the contempt of parliament upon which it is bottomed, and I look upon it simply as England reclaiming, in a moment of your weakness, that dominion which you extorted from her in a moment of your virtue—a dominion which she uniformly abused—which invariably oppressed and impoverished you, and from the cessation of which you date all your prosperity. It is a measure which goes to degrade the country, by saying it is unfit to govern herself, and to stultify the parliament by saying it is incapable of governing the country. It is the revival of the odious and absurd title of conquest; it is the renewal of the abominable distinction between mother country and colony which lost America; it is the denial of the rights of nature to a great nation from an intolerance of its prosperity."

From the commencement I told you I would prove that it was hatred of the prosperity of Ireland; and if he who uttered that opinion were here to-day, he would avow it. These topics were almost forgotten, and I am obliged to the Attorney-General for having reminded me of them. I will read another document to prove that the English policy has always been against the amalgamation of the Irish people. It is an extract from a letter from Primate Boulter to the Duke of Newcastle, which is dated Dublin, January 9th, 1724:

"I have made it my business to talk with several of the most leading men in parliament, and have employed others to pick up what they could learn from a variety of people: and I feel by my own and others' inquiry that the people of every religion, country, and party here, are alike set against Wood's halfpence, and that their agreement in this has had a very unhappy influence on the state of this nation, by bringing on intimacies between Papists and Jacobites and the Whigs who before had no correspondence with them; so 'tis questioned whether (if there were occasion) the justice of the peace could be found who would be strict in disarming the Papists."

Mark, gentlemen, the paternal feeling of the government of that day. "It spurned, as an 'unhappy influence,' the intimacy between the Papists and Whigs." Gentlemen, have I not now proved what I said—by the authority of Thierry, of Pitt, of Bushe, and of Primate Boulter? And I conjure you to remember that opinion of Bushe—that the oppression of Ireland arose from an intolerance of her prosperity. And he uttered that sentiment uncontradicted. I will next bring your attention to the transactions of 1782—that period which must be familiar to your recollections—the one bright spot—the one green oasis in the desert surrounding it. The transactions of 1782 were of consummate advantage to England. She was then assailed upon every side. America had first rebelled, and afterward separated from her. She wanted Ireland. Being without troops to garrison her citadels and secure her safety, the gentlemen of Ireland armed. But did they think of separation? No; they asserted their right to an independent legislature and free trade, and they obtained both, for it was not safe to refuse them. The adjustment which then took place between the two countries was declared to be a final one. The

English House of Lords said so, the Commons said the same, the Lord Lieutenant of Ireland announced it, and the two British houses of parliament declared it was a final adjustment. And how was it got rid of? I will show you. [Mr. O'Connell read the document.]

Such were the principles in which that great settlement was brought about; and do you know, or did you know in your lives a single individual who was a Volunteer in 1782 that to the last moment of his life did not boast of having participated in that mighty and most salutary change? It was glorious to Ireland to preserve their allegiance, and join it with liberty—to ascertain constitutional rights, and obtain legislative independence. The connexion with England was stronger—the connexion was never disputed, but proclaimed by the patriots of that day, and the connexion was preserved by that measure.

I am asked whether I have proved that the prophecy of Mr. Fox was realized, that the prosperity that was promised to Ireland was actually gained by reason of her legislative independence. Now, pray listen to me. I will tell you the evidence by which I shall demonstrate this fact. It is curious that the first of them is from Mr. Pitt, again, in the speech he made in 1799, in favor of the resolutions for carrying the Union. If he could have shown that Ireland was in distress and destitution—that her commerce was lessened—that her manufactures were diminished—that she was in a state of suffering and want, by reason of, or during the legislative independence of the country—of course he would have made it his topic in support of his case, to show that separate legislatures had worked badly, and produced calamities and not blessings; but the fact was too powerful for him. But his vicious ingenuity availed itself of the fact, which fact he admitted; and let us see how he admitted it. He admitted the prosperity of Ireland; there was his reasoning. Now mark it—"As Ireland," he said, "was so prosperous under her own parliament, we can calculate that the amount of that prosperity will be treble under a British legislature." He first quoted a speech of Mr. Foster's in 1785, in these words—"The exportation of Irish produce to England amounts to two millions and a half annually, and the exportation of British produce to Ireland

amounts to one million." Instead of saying you are in want and destitution, unite with England, and you will be prosperous—he was driven to admit this. Ireland is prosperous now with her own parliament, but it will be trebly prosperous when you give up that parliament, or have it joined with the parliament of England. So absurd a proposition was never uttered; but it shows this, how completely forced he was to admit Irish prosperity, when no other argument was left in his power, but the absurd observation I have read to you. He gives another quotation from Foster, in which it is said:

"Britain imports annually £2,500,000 of our products, all, or very nearly all, duty free, and we import almost a million of hers, and raise a revenue on almost every article of it."

This relates to the year 1785. Pitt goes on to say:

"But how stands the case now [1799]? The trade at this time is infinitely more advantageous to Ireland. It will be proved from the documents I hold in my hand, as far as relates to the mere interchange of manufactures, that the manufactures exported to Ireland from Great Britain, in 1797, very little exceeded one million sterling (the articles of produce amount to nearly the same sum); whilst Great Britain, on the other hand, imported from Ireland to the amount of more than three millions in the manufacture of linen and linen yarn, and between two and three millions in provision and cattle, besides corn and other articles of produce."

That, said Mr. Pitt, was in 1785—three years after her legislative independence—that was the state of Ireland. Have you heard, gentlemen, that picture, that description? You have heard that proof of the prosperity of Ireland. She then imported little more than one million's worth of English manufacture; she exported two and a half millions of linen and linen yarn, and adding to that the million of other exports, there is a picture given of her internal prosperity. Recollect that we now import largely English manufactures, and that the greatest part of the price of those manufactures consists of the wages which the manufacturer gives to the persons who manufacture them. Two million five hundred thousand worth of linen and yarn were exported, and one million of other goods. Compare that with the present state of things. Does not every one of you know that there is scarcely anything now

manufactured in Ireland—that nearly all the manufactures used in Ireland are imported from England? I am now showing the state of Irish prosperity at the time I am talking of. I gave you the authority of Forster (no small one) and of Pitt, of Irish prosperity during that time. I will give you the authority of another man, that was not very friendly to the people of this country—that of Lord Clare. Lord Clare made a speech in 1798, which he subsequently published, and in which I find this remarkable passage, to which I beg leave to direct your particular attention: "There is not," said his lordship, "a nation on the face of the habitable globe, which has advanced in civilization, in agriculture, in manufactures, with the same rapidity, in the same period, as Ireland" (viz., from 1782 to 1798). That was the way in which Irish legislative independence worked, and I have in support of it the evidence of Pitt, Foster, and Lord Clare: and Lord Grey, in 1799, talking of Scotland in the same years, says:

"In truth, for a period of more than forty years after the (Scotch) Union, Scotland exhibited no proofs of increased industry and rising wealth."

Lord Grey, in continuation, stated that—

"Till after 1748, there was no sensible advance of the commerce of Scotland. Several of her manufactures were not established till 60 years after the Union, and her principal branch of manufacture was not set up, I believe, till 1781. The abolition of the heritable jurisdictions was the first great measure that gave an impulse to the spirit of improvement in Scotland. Since that time the prosperity of Scotland has been considerable, but certainly not so great as that of Ireland has been within the same period."

Lord Plunket, in his speech in 1799, in one of his happiest efforts of oratory, speaks of her as

....."a little island with a population of four or five millions of people, hardy, gallant, and enthusiastic—possessed of all the means of civilization, agriculture, and commerce, well pursued and understood; a constitution fully recognized and established; her revenues, her trade, her manufactures thriving beyond the hope or the example of any other country of her extent—within these few years advancing with a rapidity astonishing even to herself; not complaining of deficiency in these respects, but enjoying and acknowledging her prosperity. She is called on

to surrender them all to the control of—whom ? Is it to a great and powerful continent, to whom nature intended her as an appendage—to a mighty people, totally exceeding her in all calculation of territory or population ? No ! but to another happy little island, placed beside her in the bosom of the Atlantic, of little more than double her territory and population, and possessing resources not nearly so superior to her wants."

Here is the evidence of its failure as regards advantages to Ireland, and the benefit to be derived from Irish legislative independence :

"Such is the right honorable gentleman's (Mr. Pitt's) infelicity upon this great question, that the measure which was to be the remedy becomes the source of all distempers. Instead of quieting, he has agitated every heart in that country. The epoch from which was to begin the reign of comfort and confidence, of peace, and equity, and justice, is marked, even on its outset, by the establishment of that which rests every civil blessing on the caprice of power. Ill-starred race ! to whom this vaunted Union was to be the harbinger of all happiness, and of which the first fruit is martial law—or in other words, the extinguishment of all law whatsoever."

Advantages to be expected from the independence of Ireland.

17th May, 1782.

"He desired gentlemen to look forward to that happy period when Ireland should experience the blessings that attend freedom of trade and constitution ; when by the richness and fertility of her soil, the industry of her manufactures, and the increase of her population she should become a powerful country ; then might England look for powerful assistance in seamen to man her fleets, and soldiers to fight her battles. England renouncing all right to legislate for Ireland, the latter would most cordially support the former as a friend whom she loved. If this country, on the other hand, was to assume the power of making laws for Ireland, she must only make an enemy instead of a friend, for where there was not a community of interests, there the party whose interests were sacrificed became an enemy."—2 *vol. p.* 60.

Lord Chief Justice.—I beg your pardon, Mr. O'Connell, I am not able to bear the heat of the court. I would be sorry to incommode you, but it will be necessary to open one of the windows.

Mr. O'Connell.—Not at all, my lord. I will return in a moment.

Mr. O'Connell having been permitted to withdraw for a short time, the court and jury retired for refreshment.

The court having resumed, Mr. O'Connell thus proceeded: When the adjournment took place I was in the act of reading to you several authorities showing how much Ireland prospered under her own independent parliament. I will now direct your attention to such documents as will tend to corroborate the facts contained in those I have already adverted to. You have heard that in 1810 a meeting was held in Dublin to petition the legislature for a Repeal of the Union. I will read an unconnected passage from a speech delivered by a gentleman belonging to a most respectable house in this city. It is as follows:

"Some of us," said he, "remember this country as she was before we recovered and brought back our constitution in the year 1782. We are reminded of it by the present period. Then as now, our merchants were without trade, our shopkeepers without customers, our workmen without employment; then as now, it became the universal feeling that nothing but the recovery of our rights could save us. Our rights were recovered; and how soon afterwards, indeed as if by magic, plenty smiled on us, and we soon became prosperous and happy."

Let me next adduce the testimony of a class of citizens who, from their position, and the nature of their avocations, were well calculated to supply important evidence on the state of Ireland, subsequent to the glorious achievements of 1782. The bankers of Dublin held a meeting on the 18th of December, 1798, at which they passed the following resolutions:

"*Resolved*—That since the renunciation of the power of Great Britain, in 1782, to legislate for Ireland, the commerce and prosperity of this kingdom have eminently increased.

"*Resolved*—That we attribute these blessings, under Providence, to the wisdom of the Irish parliament."

The Guild of Merchants met on the 14th of January, 1799, and passed a resolution declaring:

"That the commerce of Ireland has increased and her manufactures improved beyond example, since the independence of this kingdom was restored by the exertions of our countrymen in 1782.

"*Resolved*—That we look with abhorrence on any attempt to deprive the people of Ireland of their parliament, and thereby of their constitutional right and immediate power to legislate for themselves."

I have in addition to these, from the most unquestionable authority (an authority incapable of deceiving or of being deceived), the relative increase in England and Ireland of the consumption of tea, tobacco, wine, sugar, and coffee, from 1785 to the Union, which is as follows:

Tea.—Increase in Ireland, 84 per cent; increase in England, 45 per cent.

From 1786 to the Union: Tobacco.—Increase in Ireland, 100 per cent; increase in England, 64 per cent.

From 1787 to the Union: Wine.—Increase in Ireland, 74 per cent; increase in England, 22 per cent.

From 1785 to the Union: Sugar.—Increase in Ireland, 57 per cent; increase in England, 53 per cent.

Coffee.—Increase in Ireland, 600 per cent; increase in England, 75 per cent.

I could multiply quotations. What need have I for so doing? I have proved that no country on the face of the earth ever increased so rapidly in prosperity, as Ireland did from 1782 to the Union. There is a cant phrase used for want of argument against us Repealers—"you wish for dismemberment of the empire." Reflect for one moment on the absurdity of saying this. Ireland, under her own parliament, with her own legislature, increased in prosperity to the incalculable extent I have shown. Is it possible to believe that that increase in prosperity would have had the least tendency to the dismemberment of the empire, or separation from England? She was increasing in prosperity during the connexion—she was increasing in prosperity during that period of legislative independence—why should she, then, think of dismemberment? I can understand the term as applied to a period in which trade was declining—in which the consumption of the articles I have mentioned greatly diminished—I can understaud the term dismemberment, as applied to poverty and destitution, but it is absurd to talk about dismemberment, as applicable to a period when there was an increase in prosperity, such as Ireland experienced under her own parliament again.

Is it not melancholy to think that such an opening scene as that to which I have directed your attention should be closed at once? It really afflicts me to reflect that there

should have existed—should I call him a monster—to disturb such increasing prosperity, to gain dominion, and actually, to use the words of Charles K. Bushe, "invoice the prosperity of Ireland." At the time when the great change took place the governing principle was anything but what it should be. The state English debt was considerably increased—the destruction of the Irish parliament, and the means used to effect that destruction, were certainly those suited to the nature of so deleterious an object. You will find that all that the worst passions could effectuate was arranged, in order to effect the destruction of Ireland.

The Attorney-General has referred you to the report of the select committee of the House of Commons in 1797. I will refer you to that of 1798. There I find that that which was stated by Lord Plunket as to the fomenting of the rebellion until it should come to such a pitch that it might suddenly explode was the great means of bringing the bad passions of Ireland in play. It appears by that report that there was a person of the name of M'Guane, who was a colonel in the United Irishmen. He transmitted to government all meetings of the colonels, and of the country and provincial rebel committees, from April, 1797, till May, 1798. These communications were made through Mr. Clellann, land agent to Lord Londonderry. But while on this point I will direct your attention to another fact. In the Life of Grattan, vol. 2, p. 145:

"Shortly before his death Lord Clonmel sent for his nephew, Dean Scott, got him to examine his papers, and destroy those which were useless. There were many relating to politics that disclosed the conduct of the Irish government at the period of the disturbances in 1798. There was one letter in particular which showed their duplicity, and that they might have crushed the rebellion; but that they let it go on, on purpose, to carry the Union, and that this was their design. When Lord Clonmel was dying, he stated this to Dean Scott, and made him destroy the letter; he further added that he had gone to the Lord Lieutenant, and told him that as they knew of the proceedings of the disaffected, it was wrong to permit them to go on; that the government, having it in their power, should crush them at once, and prevent the insurrection. He was coldly received, and found that his advice was not relished."

So here you have that which necessarily followed from not acting on the communication of M'Guane, and the fomenting

of the rebellion for the purpose of carrying the Union. The entire country were against the measure, but they were controlled and checked by military power. Lord Plunket says:

"I accuse the government of fomenting the embers of a lingering rebellion; of hallooing the Protestant against the Catholic, and the Catholic against the Protestant; of artfully keeping alive domestic dissensions for the purposes of subjugation."

I will now read a passage from a speech made by Lord Grey, in the year 1800, on the repugnance of the Irish nation to the Union:

"Twenty-seven counties have petitioned against the measure. The petition from the county of Down is signed by upward of 17,000 respectable independent men, and all the others are in a similar proportion. Dublin petitioned under the great seal of the city, and each of the corporations in it followed the example. Drogheda petitioned against the Union; and almost every town in the kingdom, in like manner, testified its disapprobation. Those in favor of the measure professing great influence in the country, obtained a few counter petitions. Yet, though the petition from the county Down was signed by 17,000, the counter petition was signed only by 415. Though there were 707,000 who had signed petitions against the measure, the total number of those who declared themselves in favor of it did not exceed 3,000, and many of these only prayed that the measure might be discussed. If the facts I state are true (and I challenge any man to falsify them,) could a nation in more direct terms express its disapprobation of a political measure than Ireland has done of a legislative Union with Great Britain? In fact, the nation is nearly unanimous, and this great majority is composed, not of bigots, fanatics, or jacobins, but of the most respectable of every class in the community."

Mr. Bushe says:

"The basest corruption and artifice were excited to promote the Union. All the worst passions of the human heart were entered in the service, and all the most depraved ingenuity of the human intellect tortured to devise new contrivances for fraud.

"Half a million or more were expended some years since to break an opposition—the same, or greater sum, may be necessary now;" [and Grattan added] "that Lord Castlereagh had said so in the most extensive sense of bribery and corruption. The threat was proceeded on—the peerage sold—the caitiffs of corruption were everywhere—in the lobby, in the streets, on the steps, and at the door of every parliamentary leader, offering titles to some, offices to others, corruption to all."

Let me now request your attention to a description given by Plunket of the mode in which the Union was carried:

"I will be bold to say that licentious and impious France, in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by the professed champion of the cause of civilized Europe against a friend and ally in the hour of her calamity and distress—at a moment when our country is filled with British troops, when the loyal men of Ireland are fatigued and exhausted by their efforts to subdue the rebellion—efforts in which they had succeeded before those troops arrived—while the habeas corpus act was suspended—while trials by court-martial are carrying on in many parts of the kingdom—while the people are taught to think they have no right to meet or to deliberate—and while the great body of them are so palsied by their fears or worn down by their exertions, that even the vital question is scarcely able to rouse them from their lethargy—in a moment when we are distracted by domestic dissensions—dissensions artfully kept alive as the pretext of our present subjugation, and the instrument of our future thralldom."

Such, gentlemen, is the description given of the means by which the Union was carried. You know how much money was spent in the purchase of rotten boroughs. You know that three millions were expended in the actual payment of persons who voted for the Union. You know that there was no office in the state, no office from the highest in the church to the lowest in the constabulary, that was not used to gain the desired purpose. There was more fraud, corruption, and iniquity employed in the carrying of the Union, than perhaps ever accompanied any public transaction. You will easily imagine the result. The Union has been destructive to Ireland; you feel this yourselves; you see it by the state of your streets; you know it by the position of your commerce. Having shown you the general spirit of the English government —having adverted to the finality as intended by the treaty of 1782—having shown you the extreme advantages and prosperity of Ireland from the independence of her own parliament —having shown you the means by which the Union was carried, I come now to detain you for as short a time as possible by a reference to the evil results of that measure. In the year 1794 the Irish debt was only seven millions; in the year 1798 it had increased to fourteen millions. At the last-named

period, the English debt was, at least, £350,000,000. At the time of the Union, Ireland owed 21 millions—England 446 millions. What were the terms of the Union? They were these—that England was to bear forever the burden of these 446 millions, and consequently, for its interest and charge, the burden of a separate taxation of seventeen millions annually, and that Ireland was not to be charged with that 446 millions at all for its principal or interest. But were these conditions complied with? No; of course they were not, and Ireland now owes every penny of that stupendous sum. You are charged with every farthing of it; and, notwithstanding all the distinct promises of Castlereagh, the lands, the properties, the labors, the industry of the Irish people—all, all are liable to be mortgaged for the debt.

That you may have some idea of the mismanagement as to finances, and that you may know how much has been done to accumulate the Irish debt and to relieve England's, I refer you to the finance report of the public expenditure. Recollect that the Irish parliament had an interest in keeping the people of Ireland out of debt; recollect that England owed 446 millions, and that Ireland owed 21 millions. The Irish parliament has been often assailed, but could there have been a more protective parliament, one that would tend to keep the country more free from debt? The English parliament were throwing away money; the Irish parliament were thrifty and economical, keeping down the public debt. In 1822, Sir John Newport remonstrated. He says:

"Ever since the Union, the imperial parliament had labored to raise the scale of taxation in Ireland as high as it was in England, and only relinquished the attempt when they found it was wholly unproductive. For twelve years he had remonstrated against this scheme, and had foreseen the evils resulting from it of a beggared gentry and a ruined peasantry. Ireland had four millions of nominally increased taxes, while the whole failed as a system of revenue, and the people were burdened without any relief to the treasury. It would be found, as it was in some countries, that the iron grasp of poverty had paralyzed the arm of the tax-gatherer, and limited in this instance the omnipotence of parliament. They had taxed the people, but not augmented the supplies; they had drawn on capital—not income; and they, in consequence, reaped the harvest of discontent, and failed to reap the harvest of revenue."

Lord Lansdowne, also, in making a motion on the state of Ireland in the same year, said:

"The revenue in 1807 amounted to £4,378,241. That between that year and 1815, additional taxes had been imposed, which were estimated to produce £3,376,000; and that so far from an increase to the revenue having been the result, there was a great decline—the revenue in 1821 having been only £3,844,889, or £533,000 under the amount before the imposition of the three millions and a half of new taxes. He had, on a former occasion, stated it to be his opinion that the repeal of the taxes in Ireland would tend mainly to the revival of manufactures in that country, and bringing it into a prosperous condition. It was objected to him on that occasion, that he sought, by giving large and exclusive advantages to Ireland, to raise her up into a manufacturing country, which should make her the rival of England and Scotland. While he disclaimed any such intention, he feared Ireland was far indeed from any such prosperity.—*Hansard*, vol. xi., page 659.

GENERAL ABSTRACT OF TAXES REPEALED OR REMITTED SINCE 1800.

	GREAT BRITAIN.	IRELAND.	
Customs	£7,929,567	£635,200	
Excise,	14,093,638	368,530	
Stamps	443,634	152,609	
Post Office	130,000	13,193	
Property Duty	14,617,823		
Windows	1,577,773	179,403	
House	250,000	53,673	Hearth.
Servants	472,061	42,988	
Carriages	391,796	71,086	
Horses	1,172,034	67,524	
Dogs	6,876		
	£41,085,202	£1,584,211	

The taxes repealed or remitted in Ireland being one twenty-sixth part of those repealed in Great Britain."

From Finance Report of Public Expenditure, 1815:

"That for several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, including the extraordinary and war taxes, the permanent revenue of Great Britain having increased from the year 1801 to the proportion of 16½ to 10; the whole revenue of Great Britain, including war taxes, as 21¼ to 10; and the revenues of Ireland in the proportion of

23 to 10. But in the twenty-four years referred to your committee, the increase of Irish revenue has been in the proportion of 46¾ to 10!"—*Session* 1814–15, vol. vi.

"The annual amount of taxes repealed in England since the peace is £47,214,338, and the amount of taxes repealed in Ireland in the same period is £1,575,940, the taxes repealed or remitted in Ireland being one thirtieth of those remitted or repealed in Great Britain. Here is another table, composed of the same materials, and coming out of the same shop, makes the quantity repealed in England only £41,085,202, but it leaves the quantity repealed in Ireland the same number as mentioned above, or a little more—it makes it £1,584,211."

Gentlemen, would that occur in an Irish parliament? If he was accused of making Ireland what she ought to be in commerce and manufactures, would he have disclaimed any such intention? And what must have been that spirit of parliament toward Ireland, which made it necessary for a statesman to disclaim anything so atrocious, so outrageous, and so abominable, as the intention of making Ireland the rival of England and Scotland? You perceive from this the fatuity and folly of transferring the management of your affairs to a parliament wherein it was considered a reproach to make Ireland the equal of those countries, and how it is the imperative duty of every man who takes a part in politics to come forward and have a legislature which will not consider it a reproach but a praise to endeavor to make Ireland the rival of every country in commerce and manufactures. This fact speaks trumpet-tongued, and with a voice that, I trust, will rouse you to just indignation against any attempt that may be made to put down the natural uprising—the peaceable and tranquil uprising—of the entire Irish people to obtain the benefit of a native parliament. There is a document here, which I cannot avoid quoting for you:

"The enormous excess of British over Irish debt at the Union left the British minister no excuse for their consolidation, and accordingly it was arranged that the two debts should continue to be separately provided for. The active expenditure of the empire (i. e., the expenditure clear of charge of debts) was to be provided for in the proportion of two parts from Ireland to fifteen from Great Britain. These proportions were to cease, the debts were to be consolidated, and the two countries to contribute indiscriminately by equal taxes so soon as

the said respective debts should be brought to bear to each other the proportions of the contributions, viz., as 2 to 15; provided, also, that the fiscal ability of Ireland should be found to have increased. Now, the 2 to 15 rate of contribution was denounced at the time by Irishmen as too high for Ireland, and afterwards so admitted by the British ministers themselves. Its consequence was to exhaust and impoverish her to such a degree, that her debt in sixteen years increased 230 per cent., while the British only increased 66 per cent. This disproportionate and unjust increase of the Irish debt brought about the 2 to 15 proportion between it and the British debt.."

It is delightful to me to have an opportunity of stating these facts in a place from which I know they will be extensively circulated.

"Advantage was taken of that single branch of the contingency contemplated in the Union Act, although the other branch of the contingency—viz., the increase of Ireland's ability, had not only occurred, but by the confession of the English ministers themselves, in 1816, the very contrary had occurred—namely, Ireland had become poorer than before. Advantage, we say, was taken of that single branch of the contingency to consolidate the debts, to do away with all measure of proportionate contribution, and place the purse of Ireland, without restriction or limit, in the hands of the British Chancellor of the Exchequer, thenceforward to take from it, and apply as he liked, every penny it did then and might at any farther time contain, and rob Ireland of all chance of benefit from any surplus of revenue thenceforward and forever."

Here we find that England was increasing the taxation of Ireland at the rate of £4,000,000 per annum, and such was the state of Ireland, that instead of this new taxation producing one sixpence of revenue, the actual precedent revenue fell £500,000 in the ensuing year. The debt of Ireland increased 230 per cent., while that of England increased only 60 per cent. Can it be possible that any one will say that that increase was necessary. What prosperity can you have under such a state of things? The moment you have any prosperity it will be converted into English revenue. The moment you are able to bear a new tax, it will be used not only to pay off your own debt, but to maintain increased English expenditure. Was there ever anything which required greater vigilance than the pecuniary management of the country? I have given you the most galling instances of the abuse of the power of mismanagement. I have given those instances from what, if they

were not parliamentary documents, you would hesitate to credit the amount of robbery so open, plunder so obvious and so extensive, the accumulation of debt so entirely inconsistent with the supposed details of the Union—so inconsistent with all that could occur under anything like proper management.

You, gentlemen, are familiar in private life, with the evil effects resulting from giving to others, even the most disinterested persons, the management of your concorns; and it is with nations as with individuals. But then, you may be told that when the peace came, there was a relaxation and a diminution in the taxation. I will tell you what there has been—there has been a diminution of taxation in England of £41,085,-202, but in Ireland, the diminution has been only £1,584,211; that is in the proportion of 1½ to 40. That is the way the English strike off taxes for themselves; that is the way they diminished our taxation. There is another bitter ingredient in our cup, that the taxation which, up to 1836, was in Irish currency, was then converted at once into British currency, and by that operation one-thirtieth was added to our taxation. As mercantile men, interested in the prosperity of our country, I ask you, is it possible that there can be prosperity while the management of your concerns are in their power? Your relaxation from taxation depends on their will and mercy. Had you an Irish parliament, they would insist on the accounts being fairly taken. They would pay every penny that Ireland owes, but no more. Can you then, by any verdict, stand between your countrymen and the obtaining of this justice from England? I have shown you what have been the financial effects of this miscalled Union.

I shall now read a document of great importance, as to the means by which the Union was carried. It is the protest of nineteen Irish peers against the Union.

[Here the honorable and learned gentleman read a protest, which was signed Leinster, Meath, and several others of the peers of Ireland.]

This, gentlemen, is the authentic declaration of the Irish peerage, in reference to the atrocity committed against this

country, by the carrying of the act of Union. I am sure there is not one of their descendants who does not glory that his ancestor signed that protest, and I trust we will soon have an opportunity of seeing those descendants carrying the intentions of their ancestors into effect, and taking their seats in a parliament in College Green. Among other evils resulting from the Union, is the inadequacy of the representation of Ireland, as contrasted with that of England, and in particular the infinitely less voice of the people of Ireland, by reason of the inadequacy of the register. Gentlemen, the following extract, which is of some length, but great importance, will tend to show the injustice done to Ireland in the nominal Union, by giving something like an adequate proportion of representatives to England, but denying to Ireland a similar advantage. I am anxious to read this now, and cast it before the public, because there appears to be something like a disposition to concede something on this point. Last year we were told there was a termination to concession. This year we are told that something will be done in the extension of the parliamentary franchise. You will see how necessary this is:

"The result of the injustice done to the people of Ireland by the restriction of the elective franchise is made manifest by a contrast between the population of the several counties of England, and the number of registered voters therein, with the population and number of registered voters of the different Irish counties. We take our statement of numbers from the parliamentry papers, and by comparing the least populous counties in England with the most populous in Ireland—Westmoreland and Cork, for instance—we find the following result: The rural population of Westmoreland is 43,464, and its number of registered voters after the Reform Act, amounted to 4,392. Nearly one out of every ten inhabitants. Whereas, in the county of Cork the population is 703,716, and the number of electors registered after the Irish Reform Act, was only 3,835, being scarcely one out of every two hundred of the inhabitants.

"We ask, therefore, is this to be endured?

"I may now mention the effect in particular localities. In Wales the population is 800,000—in Cork the rural population is 713,716. How are they respectively represented in parliament? Wales, with 800,000 inhabitants, has 28 members of parliament; the county Cork, with nearly the same population, has but two members of parliament; the county Mayo, with 400,000 inhabitants, has but two members of parliament; Wales, with 800,000 inhabitants—only double the number—has 28 members of

parliament. The people of Ireland don't know these things, but I will take care they shall know it; and I anticipate easily the result. I will just give another specimen—I will take five counties in each country to show you how the representation stands. Cumberland, with a population of 126,681, has four members; the county of Cork, with a population of 713,716, has but two members. Leicestershire, with a population of 197,276, has four members. Tipperary, with a population of 390,598 has but two members. Northampton, with a population of 179,276, has four members. The county of Down, with population of 338,571, has but two members. Worcestershire, with a population of 211,356, has four members. The county of Galway, with a population of 381,407, has but two members. Wiltshire, with a population of 239,181, has four members. Tyrone, with a population of 302,945, has but two members. That is to say—five English counties, with a population of less than a million—that is, with a population amounting to 953,770—have twenty members; and five Irish counties, with a population of 2,116,167 persons, have only ten representatives. Now let me show you the number of electors in six counties. Westmoreland, with a rural population of 43,464, has 4,392 registered electors. Cork, with a rural population of 713,716, has 3,835 registered electors. Bedford, with a rural population of 88,524, has 3,966 registered electors. Antrim, with a rural population of 316,909, has 3,487 registered electors. Hertford, with a rural population of 95,977, has 5,031 registered electors. Galway, with a rural population of 381,564, has 3,061 registered electors.

"Here is Westmoreland, with less than one fourteenth of the population of Cork, and yet it has an absolute majority of 557 registered voters. Is this to be called reform?

"Again, take the county of Bedford, with a rural population of 88,424 inhabitants; its registered voters under the Reform Act were 3,966, while Antrim, with a population of 316,909, had only 3,487 registered voters—that is, Bedford had an absolute majority of near 500 voters over Antrim, notwithstanding the enormous disproportion in the number of its inhabitants.

"Hertford, with a population of 95,977 inhabitants, had 5,013 registered voters, while Galway, with 381,564 inhabitants, had only 3,061 voters."

"Rutlandshire, the smallest county in England, with only 19,385 inhabitants, had 1,296 votes, while Longford, with 112,558 inhabitants, had only 1,294, absolutely two less than Rutlandshire.

"Again, Huntingdon, with a population of 47,799 inhabitants, had 2,647 voters, while Donegal, with a population of 289,149, had only 1,448 voters; and Limerick, one of the wealthiest counties in Ireland, with an opulent agricultural population 248,801 inhabitants, had only 2,565 electors.

"Nay, even the Isle of Wight, with only 28,731 inhabitants, had 1,167 voters, while Mayo, with 366,328 inhabitants, had only 1,350 voters, and

Protestant Tyrone, with a population of 310,000 inhabitants, had only 1,151 electors, absolutely 16 voters less than the Isle of Wight.

"The Island of Anglesea also, with a population of only 33,508 inhabitants, had 1,187 voters; while Kildare, with 108,424 inhabitants, had only 1,112 voters; and Kerry, with 265,126 inhabitants, had only 1,161 voters, just 26 voters less than Anglesea, and 6 less than the Isle of Wight.

"Even if we compare the largest counties in both countries. Yorkshire, with an agricultural population of 913,738 inhabitants, and Cork, with a population of 703,716, we find that the English county had 33,154 electors, while the Irish one had only 3,385.

"We find, therefore, that England, in her rural population of 8,336,000 inhabitants, had 344,564 county voters, while Ireland, in a similar proportion of 7,027,509 inhabitants, had only 60,607 registered electors.

"The consequence of all these defects in the Irish Reform Act is, that the disproportion between the number of electors in English and Irish cities and buroughs, when compared to the relative population, is as great as in the counties. For we find from the same returns that, after the Reform Act, Exeter, with a population of 27,932 inhabitants, had 3,426 voters—Hull, with 46,746 inhabitants, had 4,275 electors—while Waterford, with a population of 28,821 inhabitants, had only 1,278 electors, being in the ratio of 3 to 1.

"Again, comparing the largest cities and boroughs in Ireland, with the smaller ones in England, we find the following results:

"Worcester, with a population of 27,313 inhabitants, has 2,608 voters, while Limerick, with a population of 66,554 inhabitants, has only 2,850 electors.

"Chester, with only 21,363 inhabitants, has no less than 2,231 voters. while Belfast, the wealthiest and most commercial city in Ireland, with 53,000 inhabitants, had only 1,926 electors.

"The city of Cork, with 110,000 inhabitants, had only 3,650 electors, including the non-resident freemen, while Newcastle-upon-Tyne, with a population of 42,260 inhabitants, had 4,952 voters. Preston, with a population of 33,112 inhabitants, had 4,204 electors—both of them more than Cork, which last city has more than treble the number of inhabitants, of either of the other two; and Bristol, with 104,338 inhabitants, not equal to the population of Cork, has 10,347 voters, being three times the constituency of the Irish city.

"If, too, we compare the smaller boroughs in both countries together, we find that those which barely escaped schedule A, with populations varying from 2 to 3,000 inhabitants, have more electors than the boroughs in Ireland, retained by the act of Union, with from 10 to 12,000 inhabitants.

"For example, Wallinford, Launcestown, Wareham, Arundel, have all under 3,000 inhabitants, while the electoral constituencies in all exceed 300 voters. However, in Athlone and Bandon, with over ten thousand

inhabitants in each, the votes do not exceed 250, and in many others, such as Kinsale, Coleraine, and New Ross, the available constituency falls short of 200 voters.

"If, also, we compare the metropolitan constituencies of both countries, where an equality in household value may be expected, we find that Dublin, with a population of 210,000 inhabitants, had only 9,081 voters, including all the bad freemen lately manufactured by the corporation, while the city of London, with a population of only 122,000 inhabitants, had 18,584 electors, and only 17,315 houses above £10 value.

"Nothing can more clearly illustrate the disadvantages under which the Irish cities labor, with respect to the £10 household franchise, than the comparison of the number of houses of £10 a year clear value in London, and the number of electors upon that qualification, with the number of similar houses in Dublin, and of similar electors. These facts appear from the parliamentary returns. The number of £10 houses in the city of London is 17,315, and the number of electors appears to be 18,584; while in Dublin, the number of houses of £10 value, according to Sherrard's valuation, amounted to 14,105, while the number of electors only amount to 9,081. Thus, in the city of London, there are more electors than £10 householders, whereas, in the city of Dublin the aggregate of electors does not amount to within one third of the number of £10 householders.

"*Wales compared with Ireland.*—Wales has a population of 800,000. In Cork the rural population is 713,716. How are they respectively presented? Wales has twenty-eight members; Cork, with nearly the same population, has but two."

Here is a parliamentary paper; it was published in 1832, and the sessional number is 206. It states the relative amounts of the English, Scotch, Welsh, and Irish revenue in that year, and there is no similar paper of a later date that I am aware of. The Irish revenue was £4,392,000. The Welsh revenue was £348,000.

This is the exhibition which there turn makes of what the honorable member considers the superior wealth of the principality of Wales. That principality, in point of fact, falls below Ireland in any of those pretensions to representation founded upon wealth. I have looked into the amounts of the revenue collected in the single port of Cork, and they exceed that of the principality of Wales. There are no annual records to be referred to in such a case, but I find that in one year the customs of Cork amounted to £263,000, and that in another year the excise amounted to £272,000. These amounts

give, I believe, a fair average view of the revenues collected in the port of Cork, and their total is £535,000. The receipts of Wales are only £548,000. Cork, then, is entitled to more members than the entire principality of Wales, on these very grounds on which Great Britain justifies her overwhelming numerical superiority in the House of Commons. If Wales have not a representation disproportioned to her wealth, Cork ought to return 43 members to parliament.

This is the way Ireland has been defrauded in her franchise, her representation, and in every one of the details of the Union measure. But are there no other evil results from the Union? Is it not injurious in its consequences to your commerce, your agriculture, and your manufactures, to have a distant legislature? I had many particulars to lay before you, showing the state of different trades in Dublin, and how they had been injuriously affected by the total neglect of an English parliament; but I shall for the present take for example the coal trade. I have extracts from seven or eight volumes of the Reports of the Chamber of Commerce upon that trade, which I shall read to you. [The honorable and learned gentleman then read the passages and proceeded.] Why have I read these to you? I will tell you. For eight years the merchants of Dublin, the merchants of Ireland, complained of the hardship to their trade. The Tories were in office, and they were succeeded by the Whigs. This plain and palpable violation of the act of Union was established, clearly proved, and yet there was no redress from Whig or Tory. At length the agitation for Repeal commenced, the discussion of the question was coming on, and the Whigs put an end to the grievance; and what they would not do in justice to the mercantile interests they did at length from a prudent and proper motive, and the articles of the Union were, in that respect, carried into effect, and the duties taken off coal. Gentlemen, I ask you, is it not a sad consequence of the Union, the enormous expense incurred in obtaining any private bill in London respecting property, railroads, or any other matter it may be necessary to obtain it for. There is the expense of going to London, the loss of time there, and the heavy cost of passing any such bill through a committee. What has lately hap-

pened in your own neighborhood? The Dublin and Drogheda railway bill cost £28,000 before it was passed. If the parliament was in Dublin, £1,000 would be more than it would be necessary to expend upon it, and I defy any man to carry a private bill there, particularly if there should be any opposition to it, without a proportionate expense. Can anything be more frightful than the expense of election committees? Every witness must be taken to England, and must be kept there, and if he should be sent back after his examination, or otherwise out of the way, you have a chance of losing your seat as well as all your expenses. Is it worthy that the entire of the expense should be circulated in London and not one farthing of it in Dublin, and not a single Irish lawyer receives even a solitary fee out of it, while such vast sums are expended in the complicated machinery of bringing a petition before a committee of the House of Commons in London? Every shilling goes into the pockets of the English barristers practising there. Gentlemen, the expenditure of public establishments in this country before the Union produced a considerable mitigation of the taxation. What is now become of all those boards? Where is the treasury board? Transplanted to England. Where is the excise board? Transferred to England. The customs board? Transferred to England. The stamp-office and others are greatly diminished, and progressing to extinction—even the Old Man's Hospital is extinct. Is this principle of centralization fair which produces all those advantages to England, and all this misery to Ireland? I shall now ask your attention to a statement of the number of English and Scotchmen appointed to offices of the state in Ireland. I take it from the Mail. Let me first observe that the Lord Lieutenant of Ireland is an Englishman; the Chief Secretary is an Englishman; the Lord Chancellor is an Englishman. The writer in the Mail proceeds, in answer to an article in the London Times relative to this topic of complaint:

"The Archbishop of Dublin is an Englishman; the chief administrator of the Irish Poor Law is an Englishman; the paymaster of Irish civil services is a Scotchman; the chief commissioner of Irish public works is an Englishman; the Teller of the Irish Exchequer is an English-

man; the chief officer of the Irish constabulary is a Scotchman; the chief officer of the Irish post-office is an Englishman; the Collector of Excise is a Scotchman; the head of the revenue police is an Englishman; the second in command is a Scotchman; the persons employed in the collection of the customs are English and Scotch—in the proportion of thirty-five to one."

"But the Times may perhaps observe—'True; but all this is only the elucidation of unbarring the gates of preferment, unsparingly and honestly.' Scotchmen and Englishmen are placed in office in Ireland, and Irishmen, in return, in Scotland and England, in order to draw closer the bonds of union between the three united nations.

"Again—let us see how facts actually stand. There are cabinet ministers—Englishmen, 10; Scotchmen, 3; Irishmen, 0.

"The Duke of Wellington scarcely considers himself an Irishman, and certainly cannot be called a representative of Irish interests in the cabinet.

"Lords of the Treasury—Englishmen 4, Scotchmen 1, Irishmen 1. Clerks of the Treasury—Englishmen and Scotchmen 112, Mr. Fitzgerald (query an Irishman?) 1. Members of the Lord Steward's and Lord Chamberlain's Household—Englishmen and Scotchmen 225, Irishmen 4. British Ministers to Foreign Courts—Englishmen and Scotchmen 131, Irishmen 4. Poor Law Commissioners—Englishmen 3, Irishmen 0."

"We presume," adds the editor, "that these facts show that the natives of the three kingdoms are all placed upon an equal footing! the chances of access to preferment to an Englishman or Scotchman in Ireland, being in the few instances that have occurred to us while writing, as 6 to 0; while the probability of an Irishmen obtaining place in England, appears, from an analogous calculation, to be in proportion of 491 to 10, or as 1 to 50. He could easily swell, he adds, this list, were it necessary."

I have read that to you to show the meaning of the phrase "Ireland for the Irish, and the Irish for Ireland." It is a perfect fallacy, a delusion to assert that the Irish are indemnified by promotions or appointments in England for the loss of the appointments at home. The places in England and Scotland are few enough for Englishmen and Scotchmen, and they give them the places in Ireland in addition. I proceed, gentlemen, to show you other evil results from the Union. I quote from Fox's remarks upon the state of the nation in 1807. The Union was atrocious in its principle and abominable in its means. It was a measure the most disgraceful to the government of the country that was ever carried or proposed. So far was he from thinking that Great Britain had a right to

govern Ireland if she did not choose to be governed by us, that he maintained that no country that ever had existed or did exist, had a right to hold the sovereignaty of another against the will and consent of that other. I have given abundance of proof from extracts I have read of the prosperity of Ireland under the fostering care of her own parliament; but I will quote a little further. I will show by reference to parliamentary papers the decrease from 1800 to 1827, of consumption in Ireland, compared with the increase in England. I find the respective consumption of tea, coffee, sugar, tobacco and wine, from the time of the Union to the year 1827, to be stated in the following manner;

Tea,	Increase in England	25 per cent.
	Increase in Ireland	24 "
Coffee,	Increase in England	1800 "
	Increase in Ireland	400 "
Sugar,	Increase in England	26 "
	Increase in Ireland	16 "
Tobacco,	Increase in England	27 "
	Decrease in Ireland	37 "
Wine,	Increase in England	24 "
	Decrease in Ireland	45 "

DECREASE OF CONSUMPTION IN IRELAND FROM 1802 TO 1823, FROM TABLES PUBLISHED BY MR. HALLIDAY.

IMPORTED INTO IRELAND.

		lbs.	
Green Tea,	1802	152,674	
	1823	28,168	
Decrease,		114,506 lbs.,	or about ¾ths.
Port Wine,	1802	4,487	
	1823	1,014	
Decrease,		3,473 tuns,	or about ¾ths.
French Wines,	1802	454 tuns.	
	1823	121	
Decrease,		333 tuns,	or about ¾ths.

Those who defend the Union and advocate its continuance are in the habit of averring that our trade in the exportation

of cattle has greatly increased since the passage of that measure, which in my mind has operated with a most disastrous influence on the fortunes of my country. But gentlemen, I hold in my hand a document which demonstrate to you that this is a delusion, and will make you clearly understand how the real facts of the case are. Our cattle export has diminished by the Union. Hear how the facts really are.

"The defenders of the Union ordinarily lay much stress on the increased export of cattle, sheep, and provisions, since that measure. This export, however, is from a starving people; and being so, the argument as to its great value to Ireland is not one to waste much time in considering. A curious fact has come out with reference to this subject. A return appeared in all the Dublin papers, last November, of the number of sheep and horned cattle at the great fair at Ballinasloe, every year from 1790 to 1842. The following extracts from it, we put in the same table, with figures, from a parliamentary return of 1843, and the Irish Railway Report, showing the export of the articles mentioned in two of the years included. We have no return of the export last year.

1799.—Sheep, 77,900; exported, 800. Horned cattle, 9,900; exported 14,000.

1835.—Sheep, 62,400; exported, 125,000. Horned cattle, 8,500; exported, 98,000.

1842.—Sheep, 76,800; horned cattle, 14,300."

The question naturally arises—what became of the 77,000 surplus sheep in the first year as well as the sheep at other fairs? They were eaten at home.

"As to oxen, 14,000 went away in 1799, and 98,000 in 1835; yet if we test the product of all Ireland in the former year, by the most sufficient criterion of the amount at Ballinasloe fair, we shall find that Ireland had then more for sale than in 1835, and consumed the greater part of her surplus over her export—exporting the remainder in the more valuable form of provisions.

"The parliamentary documents quoted before enable us to show what the export of provisions was in the years 1799 and 1835:—in the year 1799 there were exported 14,000 cattle, 4,000 swine, and 278,000 barrels of beef and pork; in 1835, 98,000 cattle, 76,000 swine, and 140,000 barrels of beef and pork. There has then been since the Union a decrease of the more valuable export, viz., provisions—valuable because of the labor employed at home in their manufacture, and an increase of the less valuable, viz., the live animals—less valuable to a country as an article of export, by reason of the small quantity of employment which is given in the preparing of it.

"As the diminution of the number of barrels of beef and pork will not by any means account for the great increase of the live export—while the whole number of cattle produced in Ireland in 1835 was, at any rate, not greater than in 1799—it follows that much of the excess of live export in 1835 must have been by deduction from the number previously consumed at home, and therefore that the home consumption in the latter year was considerably less than the year before the Union, notwithstanding the cent. per cent. increase of population."

Gentlemen, you must bear in mind that the trade of cattle exportation is much more beneficial to the population of a country than made-up provisions. The increase in cattle exportation trade is indicative of a country's prosperity in a degree much more eminent than the increase in the provision trade. In fact, an increase in the latter branch of commerce is rather indicative of distress among the people. In the one case we have an evidence of prosperity, and in the other a clear proof of poverty and destitution. In 1833 Mr. Boyton gave us the advantage of a clear research upon this subject. Permit me to read it for you:

"The exports and imports, as far as they are a test of a decay of profitable occupation—so far as the exports and imports are supplied from the parliamentary returns—exhibit extraordinary evidences of the condition of the laboring classes. The importation of flaxseed, an evidence of the extent of the most important source of employment, was, in 1790, 339,745 barrels; 1800, 327,621 barrels; 1830, 460,458 barrels. The importation of silk, raw and thrown, was, in 1790, 92,091 lbs.; 1800, 79,860 lbs., 1830, 3,190 lbs. Of unwrought iron, in 1790, 2,271 tons; in 1800, 10,241 tons; in 1830, 871 tons. Formerly we spun all our own woolen and worsted yarn. We imported in 1790 only 2,294 lbs.; in 1,800, 1860 lbs.; in 1826, 662,750 lbs.—an enormous increase. There were, I understand, upward of thirty persons engaged in the woolen trade in Dublin, who have become bankrupts since 1821. There has been, doubtless, an increase in exports of cottons. The exports were—in 1800, 9,147 yards; 1826, 7,793,873. The exports of cotton from Great Britain were—in 1829, 402,517,196 yards, value £12,516,247, which will give the value of our cotton exports at something less than a quarter of a million—poor substitute for our linens, which in the province of Ulster alone exceed in value two millions two hundred thousand pounds. In fact, every other return affords unequivocal proof that the main sources of occupation are decisively cut off from the main body of the population of this country. The export of live cattle and of corn has very greatly increased; but these are raw materials; there is little more labor in the production of an ox than the

occupation of him who herds and houses him ; his value is the rent of the land, the price of the grass that feeds him, while an equal value of cotton, or linen, or pottery, will require for its production the labor of many people for money. Thus the exports of the country now are somewhat under the value of the exports thirty years since, but they employ nothing like the number of people for their production ; employment is immensely reduced : population increased three eighths. Thus, in this transition from the state of a manufacturing population to an agricultural, a mass of misery, poverty, and discontent is created."

By this statement you will see that the importation of yarn increased, but that is no subject for felicitation, inasmuch as that increase was obtained at the expense of a diminution in the home manufacture of the article. The next document to which I will take the liberty of directing your attention, is a report by Dr. Stack, in reference to the state of a valuable charitable institution in this city. It is an important document, as clearly evidencing the effects of the Union upon institutions of this kind :

"The Sick Poor Institution, since its establishment in 1794, has shared in the sad reverses which the locality has undergone over which its operations extended. The liberties of Dublin, once the seat of manufactures and of wealth, have degenerated into the habitation of the decayed or unemployed artisan ; the abode of fashion has now become proverbially the haunt of vice, and poverty, and of disease ; hence while the necessity for such an institution as this has become every day more urgent, the supporters of it have proportionally diminished—as the objects of relief have increased its friends have decreased. In order at once to perceive this altered state of things, a mere inspection of the returns made at different periods is all that is necessary. In 1798, patients, 3,640—income, £1,035 17s. 1d. ; 1841, patients, 6,159—income, £927 4s. 10d."

Thus you will perceive that while the patients increased four fifths, the income of the institution has decreased in the proportion of three fourths. I have now to submit to your consideration some melancholy details illustrating the disastrous effects of the Union upon our national industry. The statement may be relied on as strictly authentic. [Here the learned gentlemen read the extract alluded to.] There is scarcely a trade in Dublin concerning which I could not, did I not fear to trespass at too great length upon your attention, give you details equally distressing ; for, alas, equally authentic

details showing a daily decrease of employment, and a daily increase of misery and distress—showing how men who were once opulent manufacturers are now reduced to absolute beggary—showing this fact, which is more eloquent than a thousand arguments, that whereas before the Union, there were 68,000 operatives in Dublin, there are at present only 4,000. About a year since I made inquiries into the state of the Liberty, which has been well described to consist of one mass of ruins: and the following description was handed to me. [Here the learned gentlemen read the extract alluded to.] Need I dwell upon the evidences of ruined greatness and fading prosperity which every moment meet your eye, as you walk through the streets of Dublin? Need I tell you how prosperity, happiness, and affluence, were once found to reside, where nothing now can be found but misery, distress, and desolation? I have a statistical statement of the decay of house property at hand, but I will not trouble you with a lengthened detail of it at this hour of the day. Take two or three of the leading mansions of the city, and mark to what they have been reduced. What has become of the house that was once the noble mansion of Lord Powerscourt's family? It had been a stamp office; it is now the counting-house of a respectable firm in the cotton, silk, and woolen trade. What has become of Lord Moira's house—that house which had once been the residence of the Plantagenets in this country? Alas! are you not well aware that it is now the Mendicity? And that magnificent edifice the Belvedere house, what sad reverses has it experienced! It cost £28,000 in the building—the stairs alone cost £3,000, but the whole premises were the other day sold for a school to the Jesuits for eleven hundred pounds; and are these melancholy spectacles day by day, and hour by hour, to be displayed before our eyes, and are we to make no effort to retrieve the fallen fortunes of our country? Are the men who would restore her to her pristine prosperity to be menaced with a dungeon? Are the men who endeavor to succor and defend her to be branded as malefactors and conspirators? It is to you, gentlemen, that I appeal for a solution of this proposition. I have established my position; I have shown the prosperity of Ireland before the Union; I have shown the advantages to be secured to Ireland by a res-

toration of her domestic parliament; I have shown how manufacturers have been reduced to the condition of operatives, and operatives to the condition of mendicants, by the ruinous effects of that disastrous measure—all that have I shown and nothing more—and for that I am to be persecuted and for that I am to be prosecuted as a conspirator! I have shown you the results of the Union, and have I not displayed to your eyes a picture the contemplation of which renders it the duty of all honest and true hearted men to endeavor to remedy this state of things? That we are combined for Repeal is our pride and boast; but that we are combined together for any illegal or criminal purpose is an idea which, with scorn and indignation, we repudiate. Even before the Union was introduced, the moment there was an apprehension of its being introduced, coupled, as it was then said to be, with Catholic emancipation, the Catholics of Dublin held a meeting in Francis-street, on the 9th of April, 1795, John Sweetman in the chair, at which they expressed their indignant refusal to accept emancipation coupled with any Union measure. The first time I addressed a public assembly was on the 13th of January, 1800. It was my maiden speech. Pray listen to the last passage in the speech, and you will find that the ruling principles of my entire political life are all embodied in it, and that my views were anything, and are anything, but sectarian.

[Mr. O'Connell then read the passage from his speech.]

That was my first public declaration. In the sincerity of my soul I made that declaration—in the sincerity of my soul I made that offer. It might have been taken up; there was a strong party in the country at that time highly unfavorable to the Roman Catholic claims. But I risked it, and I repeat, in the sincerity of my soul, I made the declaration that I would prefer the re-enactment of the penal code, in all its horrors, rather than consent to the Union; and I threw myself on the generosity of my fellow-countrymen, the Protestants of Ireland. Gentlemen, in 1810, you have already heard, the Repeal was brought forward, and public meetings were held in the city of Dublin. My speech upon one of these occasions has been read for you. I won't distress you by reading any-

thing like the entire of it; but allow me to read for you the concluding passage, because it turns on a topic I am now discussing.

[The honorable and learned gentleman read the passage alluded to.]

Is that sectarianism? Is that preferring the interests of a party or portion of the people to the nation at large? Sectarianism! Why, gentlemen, you cannot but be aware that the cause of the Protestant dissenters of England was warmly advocated by me—that it was I drew up the petition in favor of the English Protestant Dissenters—that that petition was signed by twenty-eight thousand Catholics, passed at meetings of the association, and afterwards at the great aggregate meeting of Catholics, and that petition which I drew up was not upon the table of the House of Commons six weeks when the Protestant Dissenters of England were emancipated. I therefore treat with contempt and indignation the idea of sectarian difference; and again, throughout the entire volumes that have been presented to you, has there been one word of a bigoted description found among them?

I have made more speeches than any other public man that ever existed—I have been more abused than any other man, but amidst all their calumnies they never flung upon me an accusation of bigotry against my fellow beings of any other persuasion. I have been calumniated in everything else—in that I have been spared, and why? because the folly and futility of the calumny was so excessive that even my calumniators spared me on that point. Sectarianism, therefore, is out of the question; but what was our mode? Legal and peaceable, and constitutional proceedings. I need not remind you again that I possess the confidence of the Irish people. I possessed it with a full repetition of my determination that all should be peaceable, with my full declaration that one single act of violence would detach me from the Repeal agitation. But it has been said I made violent speeches. Has any violence proceeded from me? If I have made violent speeches would it not be fair to give me a recent and speedy opportunity of seeing how far the reports of those speeches were

accurate, and what explanatory portions were applicable, and not reserve them for so remote a period. If violence is to be talked of, let us see this violence—it is an article from the Cheltenham Journal and Stroud Herald, August 2, 1841.

"What would, in reality, be justice to Ireland?—What would be the greatest blessing that could be conferred on Ireland? The answer to these questions is prompt, and comprised in a single word—conquest. Few are the nations, if any, that are the worse for having been conquered—and in the great majority of instances, as conquest implies superiority, the conquered have been gainers. The Romans conquered, and where they conquered they also civilized.

"Now, Ireland, though under the dominion of England, has never been conquered by her. She may take this in the light of a compliment, or the reverse. To this day she is wild, savage, uncivilized, scarcely human. We speak of the mass of the people—of the aborigines of the island, of the Popish part of the population—of the wretched and ferocious slaves of O'Connell—of those who have never been brought under the gentle sway of the Protestant faith.

"Had Ireland been actually conquered by England it would not have been thus.

"The first step toward the conquest of Ireland would be to send over a commanding military force, not to shed blood, but to prevent the shedding of blood.

"Every individual Popish priest should then be secured, and exiled for life, nor be permitted to return under the penalty of death; and all persons found aiding and abetting a Popish priest in secreting himself, should also be condemned to exile for life.

"These men, the priests, &c., might be shipped for some of the colonies, and there receive allotments of land, and there be kept under strict surveillance.

"Such is a simple outline of the measures for the bloodless conquest of Ireland.

"It is for a Conservative government alone to achieve this glory. Let Sir Robert Peel and his colleagues look to it."

It appears by those papers that we did not threaten anything, and it appears distinctly that every disclaimer, and repetition of disclaimer, to use anything but peaceable and legal means, was given over and over again. There was no violence of any kind; none whatever had taken place. We are now charged with a newspaper conspiracy, because it is alleged that certain newspapers contained libels. Why, if they did, there is no person in the world more open to or capable of

punishment for an offence than a newspaper proprietor. He is perhaps more in the hands of the law than any other man in existence. There is the stamp office, which must know all about him, and the moment he offends they have nothing to do but call on him to account for his actions. The Attorney-General had this facility if he wished, or if the libel law had been infringed. But there is one thing in the so-called newspaper conspiracy that cannot be got over. Take up the Nation, which was read for you—a great deal of prose, and a considerable quantity of poetry—love songs and all, and then take up the Pilot, which was also read for you—all prose and no poetry—take up any of these articles, and can you say that one of the journals copied the other? Can they produce any one of these papers where the other copied an article from it? No, they cannot; and they could not charge them with conspiracy unless they joined for that purpose. In place of conspiracy they would find discord, not concord, between them. There was not a particle of combination among them. In fact, there was not only no combination among them, but a kind of rivalship and jealousy relative to these articles. Was that like combination or crime? I will not go into that question at present, as it is so well ascertained. Well, gentlemen, one word about arbitration courts. I shall not trouble you with many observations on that head. One of the great advantages of these courts, however, was the abolition of unnecessary and superfluous oaths. There was no oath taken in these courts at all. Gentlemen, I do not know if it strikes you in the same light as it strikes me, on the subject of oaths; but I think the establishing of such courts a great advantage in that respect. In the superior courts the oath was a different thing; but I ask any Christian man if he would not wish to see unnecessary swearing abolished.

I find by a parliamentary return in 1832 that there were one hundred and seventy-two thousand oaths taken in the excise department, and in another year one hundred and fifty-eight thousand in the excise also. This was an unnecessary profanation of the name of the Deity—one hundred and fifty-eight thousand oaths in one year, and one hundred and seventy-two thousand in another! What an enormous quantity of unnecessary

oaths! In the arbitration courts there was no oath whatever necessary. I shudder at the idea of so many oaths being taken in one year, and I had several conversations on the subject, and Lord Nugent did me the high honor to ask my assistance in bringing in a bill to abolish unnecessary oaths, and substitute a declaration in the stead. I consented, and we succeeded in passing a bill substituting declarations instead of oaths, and I hope I shall see the day when such will be extended even farther, for I abhor the taking of the sacred name of God in vain, and the man who would tell an untruth in a matter of property, would not set the least value on his oath, nor would he at all scruple swearing to what he knew to be false if he thought it ripe for his purpose. I hope, gentlemen, we will see the day when declarations like the Quakers, which are as binding on the conscience as the oath, will be substituted and used as an oath by all Christian men and in all Christian countries. I am sure you will not ascribe conspiracy to that.

Well, gentlemen, I now come to the means by which we were to achieve the Repeal of the Legislative Union. The means are pacific, and I would not adopt any other means for the accomplishment of that sacred object. It was said that the meetings were not commensurate with the objects in view, but the object was one that could not be ascertained if the entire Irish people had not called for the Repeal of that Union. A charge of that description should not be made when the Irish people demanded it. The words of Grattan were that the demand was made backed by the voice of the Irish. I re-echo that word, and the minister was bound to obey that call. We have made the experiment, and we find that the mind of the nation is in favor of a domestic legislature. We have made the experiment—we did not do so without the enunciation of the voice of the Irish people. We have that voice from one end of the country to the other. The voice has gone abroad, and it only remains for the Irish people to call for the restoration of their Irish parliament. When I brought the question before the House of Commons, the members who supported it were few—only one Englishman, and not one Scotchman; but what was the change since that time with respect to the measure? And was it not idle and absurd in the last degree

to say that anything was intended save the regeneration of the country by the most peaceable means? What has the Crown read for you as part of the conspiracy? Why, the rules of the Association.

[He proceeded to read the rules, which were already before the public.]

Mr. O'Connell then continued. This, gentlemen, is the plan of the Repeal Association. No alternative was held out by these rules but the fullest allegiance, the most perfect loyalty, and unqualified peace; and in this way, and no other, was agitation to be conducted. Yet, under these circumstances we have the charge of combination made against us, which amounts to one of conspiracy. That document, gentlemen, is given in proof against us. Well, however, to carry their proof further, the Crown have read two other documents. The first is, "The Reconstruction of the House of Commons," and the second, "The Renewed Action of the Irish parliament." The first of these was signed upon the 14th of May, 1840, and the second upon the 22d of August, 1843. Now, my lords, this has been read against us as evidence of a conspiracy. And although it has been read before, I think it my duty to read it again.

Chief Justice.—What is the date of the document you are about reading from, Mr. O'Connell?

Mr. O'Connell.—The 14th of May, 1840, my lord. Mark, gentlemen, that after taking the scale of representation from the returns of the population of the different towns, it begins at page 7, thus:

[Here the honorable and learned gentleman read the extract.]

Mr. O'Connell then proceeded. Part of that document has been read by the Crown, and it distinctly states that by parliamentary means, and by parliamentary means only, was Repeal to be obtained. I shall call your attention by-and-by to a portion of that document. The next document was also read, and I am entitled to the full force of all it contains. The Crown has no right to select portions from it, and I am entitled to the benefit of the unobjectionable parts, for they had no right to suppress them.

[Mr. O'Connell then read "The Renewed Action of the Irish parliament."]

There, my lords, is the evidence for the prosecution—there is the evidence to prove a conspiracy—there is the evidence to prove illegal means—there is the evidence to prove illegal objects. Gentlemen of the jury, I put it to you, it is not my evidence, 'tis not I produces it, 'tis not we who have called upon it in our defence; though it does contain, I think, an admirable defence; but it is brought before you on the part of the Crown, and produced by the Attorney-General; that is the Attorney-General's evidence, and upon that evidence I call upon you to acquit us—you are bound to believe it; there is the plan for Repeal, what fault do you find with it? There is a theory introduced into it not called upon for practice, but I insist upon my right to discuss that theory. I may be wrong, but it is a great constitutional question which man is at liberty to discuss, and form his opinion upon. The opinion may be erroneous, but the right is undoubted, and I insist upon it that question ought to be considered in a way favorable to the claims of Ireland. The competency of the Irish parliament to pass the Act of Union was discussed long before the Union itself was talked of.

One of the works by which the revolution of 1688 was consolidated, was a book written by Mr. Locke upon government. He wrote it for the purpose of sustaining the Whigs of that day—the Williamite Whigs—to prove that James had no title to the throne, and that William was the lawful monarch of England in consequence of what had happened. That book, gentlemen of the jury, was a class-book in Trinity College at the time the Union passed. It was a book out of which the young men were examined. Shortly after the Union it was found inconvenient to let it remain, and for some reason, I don't know the cause, but it was withdrawn. But at one time it was a book of authority, and requiring not any council to give it authority; it was the great instrument by means of which the revolution of '88 was achieved, the principle of which revolution no man admires more than I do. In Locke's book on government, I find:

"The legislators cannot transfer the power of making laws into other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. The people alone can appoint the form of the commonwealth, which is by constituting the legislature and appointing in whose hands that shall be; and when the people will have said, "We submit, and will be governed by laws made by such men and in such terms, nobody else can say other men shall make laws for them. The power of the legislature being derived from the people by a positive voluntary grant and institution, can be no other than what the positive grant conveyed, which being only to make laws and not to make legislatures, the legislature can have no power to transfer their authority of making laws, or to place it in other hands."

No doctrine can be more distinct. No delegated legislature, elected for a time, had power or authority to transfer the rights of their constituents to anybody else. Upon this subject Lord Grey was very explicit.

Lord Grey, then Mr. Charles Grey, said in the British House of Commons:

"Though you should be able to carry the measure, yet the people of Ireland would wait for an opportunity of recovering their rights, which they will say were taken from them by force."

But I have still more explicit authority. Hear this passage from the speech of Mr. Saurin, spoken on the 15th of March, 1800, read by me on the trial of John Magee, in his presence, and adopted with manliness by the Attorney General of the day:

"Those great men had assisted in the revolution of 1688—they had put down the slavish doctrines of passive obedience, they had declared that the King held his crown by compact with the people, and that when the Crown violated that compact, by subverting, or attempting to subvert, the constitution which was the guarantee and safeguard of that people's liberty, the crown was forfeited, and the nation had a right to transfer the sovereign power to other hands. They had no notion of the doctrines, which he was sorry to see now received—that the supreme power of the state was omnipotent, and that the people were bound to submit, whatever that power thought proper to inflict upon them. At that day such a monstrous proposition as this would not have been tolerated, though now it began to raise its head and threaten the constitution. But he for one would not admit it; he would re-assert the doctrine of the glorious revolution, and boldly declare in the face of that House, and of the nation, that when the sovereign power violated that com-

pact, which at its institution was declared to exist between the government and the people, that moment the right of resisting that power accrues. Whether it would be prudent in the people to avail themselves of that right would be another question ; but surely if there be this right in the nation to resist an unconstitutional assumption of power which threatened the public liberty, there could not occur a stronger case for the exercise of it than this measure would afford, if carried against the will of the majority of the nation."

Nothing can be more explicit than that constitutional doctrine ; nothing can be more extensive than its operation. It was asserted by Saurin, quoting the highest authority of the heroes of the revolution of '88, so called, of the persons that carried that revolution, that by the English constitution the principle of passive obedience and non-resistance is totally foreign to our constitution—the right to resist—rather a delicate question—commences when the contract is broken ; but the existence of a constitutional right of that description shows it. The revolution itself would be void if this doctrine were not true. He then goes on to say :

"If a Legislative Union should be so forced upon this country against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation and not a resistance against law."

That was alleged, too, with reference to a period after the Union was carried ; that is, looking to its having all the sanction of form, the great seal of England on the one hand, the great seal of Ireland on the other, and the consent of the Crown given to it ; yet Mr. Saurin, talking constitutional doctrine, declared it to be a nullity, and resistance to it a matter of prudence. And in a second speech of his, which was published in the shape of a pamphlet :

"You may make the Union binding as a law, but you cannot make it obligatory on conscience. It will be obeyed so long as England is strong, but resistance to it will be in the abstract a duty, and the exhibition of that resistance will be a mere question of prudence.

I will be bound by it, says he, as a law, and so say I, but it will be void in conscience and constitutional principle. It will be obeyed as a law, but it will be the duty of the people to exhibit that resistance to it when it is prudent to do so. He

did not mean by that resistance, force, or violence—he meant legal and peaceable means—but by means adequate to the purpose while they keep within the precincts of the law. There is another authority—Lord Plunkett. He says :

"Sir, I, in the most express terms, deny the competency of parliament to do this act. I warn you, do not dare to lay your hands on the constitution. I tell you, that if, circumstanced as you are, you pass this act, it will be a mere nullity, and no man in Ireland will be bound to obey it. I make the assertion deliberately. I repeat it. I call on any man who hears me to take down my words. You have not been elected for this purpose. You are appointed to make laws, and not legislatures —you are appointed to exercise the function of legislators, and not to transfer them—you are appointed to act under the constitution, and not to alter it ; and if you do so, your act is a dissolution of the government —you resolve society into its original elements, and no man in the land is bound to obey you. Sir, I state doctrines that are not merely founded on the immutable laws of truth and reason ; I state not merely the opinion of the ablest and wisest men who have written on the science of government ; but I state the practice of our constitution as settled at the era of the revolution ; and I state the doctrine under which the House of Hanover derives its title to the throne. Has the King a right to transfer his Crown ? Is he competent to annex it to the Crown of Spain, or any other country ? No ; but he may abdicate it, and every man who knows the constitution, knows the consequence—the right reverts to the next in succession. If they all abdicate, it reverts to the people. The man who questions this doctrine, in the same breath must arraign the sovereign on the throne as a usurper. Are you competent to transfer your legislative rights to the French Council of Five Hundred ? Are you competent to transfer them to the British parliament ? I answer— No ! If you transfer, you abdicate ; and the great original trust reverts to the people from whom it issued. Yourselves you may extinguish, but parliament you cannot extinguish. It is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is as immortal as the island which it protects. As well might the frantic suicide hope that the act which destroyed his miserable body should extinguish his eternal soul ! Again I therefore warn you. Do not dare to lay your hands on the constitution—it is above your powers."

Oh, it is a beautiful passage—"As well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul ! Again I therefore warn you. Do not dare to lay your hands on the constitution—it is above your powers." I insist on the truth of that constitu-

tional law. I take the qualification as laid down by Saurin—it is binding as a law while it continues to have the form and shape and pressure of law, but it does not bind on conscience or principle. Though it had been said to me: Why, this would make all the acts which were passed since the Union void. I deny it, it would do no such thing. I say they are voidable, but not void. It has been said, you would, by that repeal even the Emancipation Act. If I could get the repeal of the Union, I would make you a present of Emancipation. Where do I find the principle of its being voidable, not void? I find it in the language of Saurin. I may be wrong in this position, but I cannot be wrong to argue from it. It may be said that this act is to be obeyed, and it is to be considered as law.

Gentlemen of the jury, the point was raised already in 1782, when the Irish parliament declared that no power on earth could bind the Irish people but the King, lords, and commons of Ireland; and there was an act passed to that effect, the consequence of which was to do away with the authority of all laws passed in England, and which were binding on Ireland, though they regulated the property of Ireland; but Chief Baron Yelverton stepped in, and by his act, declared all laws passed in England to be binding in Ireland, and that they should continue to be so. But it may be said this is inconsistent with our allegiance—I deny it; for this authority exists in the Queen, which can only be exercised through her responsible minister. It is no derogation of her power—it is rather an increase of that power. And shall I be told this of a country which has made so many irregular successions? Richard the Second was dethroned by parliament—so was Richard the Third, and Henry the Seventh set up. Then also the royal succession was altered in the reign of Henry the Eighth, and settling nothing, there was another alteration at the time of the revolution in 1688—so that there could not be anything illegal in discussing this question. Surely not. There may be a mistake—there may be an error, but there cannot be crime to discuss the matter publicly, undesignedly, and with the sustentation of the authorities I have addressed. You have Saurin, and Plunkett—you have Locke, you have

Lord Grey giving his opinion in favor of it. I draw to a close.

I come back to the evils of the Union, and I would look to every honest man to exert himself for its repeal. Would it not cure the odious evils of absenteeism? It was calculated by an able man that nine million pounds a year, pass out of this country; the railway commissioners reduce it to six millions. Take the reduced amount, and I ask, did ever a country suffer such an odious drain of six million pounds of absentee money? Six million pounds raised every year in this country, not to fructify it—not to employ the people of the country, not to take care of the sick and poor or destitute—but six millions are transplanted to foreign lands—sent there but giving no returns—leaving poverty to those who enriched. Take six millions for the last ten years. Look now at sixty millions drawn from this unhappy country. Take it for the next six years—can you in conscience encourage this? There is a cant that agitation prevents the influx of capital. What is the meaning of that? We do not want English capital; leave us our own six millions, and we shall have capital in abundance. We do not want that left-hand benevolence which would drain the country with one hand, and let in niggardly with the other. There is another item which exhausts the resources of this country, and that to the amount of nearly £2,000,000 annually; in the last year it was so low as £700,000, but whether the one or the other, it is drawn out of the country never to return. There is again the Woods and Forests. That department receives £74,000 a year out of Ireland in quit rents, etc. How was that expended for the last ten years? Between the Thames Tunnel, and to ornament Trafalgar Square. We want an additional bridge in Dublin. Why have we not the £74,000 for that purpose? Have we not as good a right as that it should be expended on Trafalgar Square? If we had the parliament in College Green, would that £74,000 be sent to adorn a square in London? Have we not sites and squares enough in Dublin for the purpose of public utility?

There are other evils attending this continued drain on the country. I remember there having been quoted in parliament the work of Mr. Young, a political economist, who journeyed

in Ireland in '78, who, in speaking of the increase of population, he accounted for it by the never-failing bellyful of potatoes—they had all a bellyful of potatoes, and to that he attributed the increase. But is that the case now? Has not the country sensibly declined? is not even one meal of potatoes a treat and a treasure?

According to the evidence of the commissioners of Poor-law inquiry the people are now in rags. Was this my language? No, gentlemen. I appeal to yourselves—are they not reduced to misery and wretchedness, frittered away by periodical famine?—and there were six or eight since the Union. There was relief from England, while provisions were in quantities transported from this country; provisions were in the country while the people were perishing with hunger; and those provisions were exported from the country. But the Poor-law Commissioners report the following frightful picture. But first let me tell you that the Population Commissioner's report shows the aggravation of the evil. The gentleman who made that report is a military officer—Captain Larcom—a man of science, of integrity, and of honor. He reports the state of the population to be this, that 30 per cent. of the town and city population were in abject poverty, and that 70 per cent. of the agricultural were in abject poverty. These are not my words, they are the words of Captain Larcom. Where, then, is the advantage of the Union, which has thus increased poverty, bringing pestilence, and involving our poor in misery and filth? Gentlemen, why should we not adopt any plan by which we would escape from these horrors. To be sure, the Poor-law Commissioners go more into details. Mind you, gentlemen, this is evidence made on oath before the Poor-law Commissioners. Allow me to read some of it to you.

"One family had but one meal for the space of three days—another subsisted on a quart of meal a day; another lived on a little boiled cabbages without anything to mix with them."

Gentlemen, I will not harass your feelings by reading any more; the book is full of them; and are two millions three hundred thousand of your fellow-countrymen to live in a state of positive destitution, and nothing to be done for them? Is no effort to be made? Permit me to call your attention to a

few passages of a report of a meeting held last Monday week, in reference to the sick and indigent of your city. [Mr. O'Connell then read an extract from Saunders, detailing the misery which pervaded the city.] Can any language of mine describe the misery which exists, more fully?

Another hideous feature of Captain Larcom's report is, that the population is diminishing by 70,000 in ten years. It is increased from the period of 1821 to 1831, and from that to 1841 the population has diminished by the number of 70,000, who would have been all reared up if they had anything to support them; and are we to be hunted down, who are the friends of the poor? Are we, who wish to have industry rewarded—are we, I ask it on every principle of sense and justice—are we to be prosecuted and persecuted for seeking the means of relieving this distress? We have the means of relief in our power; we live in the most fertile country in the world, no country is in possession of such harbors, the earliest historical mention of which is made by Tacitus, admitting that our harbors were the best, and that consequently they were more crowded. The country is intersected with noble estuaries. Ships of five hundred tons burden ride into the heart of the country, safe from every wind that blows. No country possesses such advantages for commerce; the machinery of the world might be turned by the water-power of Ireland. Take the map, and dissect it, and you will find that a good harbor is not more remote from any spot in Ireland than thirty miles. Why is not the country prosperous? Did I not read for you of the unheard-of magical prosperity that followed her legislative independence? Did I not read extracts from the writings and speeches of men most adverse to Ireland—of men most anxious to conceal her greatness, as evidence of her increasing prosperity under her parliament? What happened once, will surely happen again.

Oh, gentlemen, I struggle to rescue the poor from poverty, and to give wages and employment to those now idle—to keep our gentry at home by an absentee tax after the example of the government of last year, if by no other means, and compel them to do their duty to their country. I leave the case to you—I deny that there is anything in it to stain me with

conspiracy. I reject with contempt the appellation. I have acted in the open day in the presence of the government; in the presence of the magistrates; nothing was secret, private, or concealed; there was nothing but what was exposed to the universal world. I have struggled for the restoration of the parliament to my native country. Others have succeeded in their endeavors, and some have failed; but, succeed or fail, it is a glorious struggle. It is a struggle to make the first land on earth possess that bounty and benefit which God and nature intended.



RICHARD LALOR SHIEL.

HON. RICHARD LALOR SHEIL.

MEMOIR OF RICHARD LALOR SHEIL, M. P.

Richard Lalor Sheil, so long associated with O'Connell, so like him in patriotism, so unlike him in his style of eloquence, was born on the 16th of August, 1791, in the county of Kilkenny.

His first instructions were received at Bellevue, near Waterford, from an exiled French priest; and he was subsequently, for a time, at an establishment in Kensington, conducted by the Prince de Broglie, where he mingled with the scions of the highest French nobility. After spending some years at the Jesuit College at Stonyhurst, he entered Trinity College, where, devoting himself to classical literature, he gave little promise of future oratorical excellence.

His maiden effort was a speech at a great Catholic meeting in Fishamble Street Theatre, which, in spite of its many youthful faults, attracted much attention.

Selecting the profession of the law, he served his terms at Lincoln's Inn, and returned to Ireland in 1813. His father's failure threw him upon his own resources, and his tragedies, "Adelaide," "The Apostate," "Bellamira," and "Evadne," gave him the means of meeting the cost of a call to the bar. While slowly making his way to practice, he wrote his "Sketches of the Irish Bar."

His chief attention was devoted however to politics, and in 1822 he joined Mr. O'Connell in establishing the Catholic Association. His extensive knowledge of French literature gave his speeches the fire and impetuous tone of the revolutionary appeals of that country. Hence, he became exceedingly popular, and contributed greatly to the happy result of that agitation. A speech on the Duke of York drew upon him the hostility of government, and a prosecution was instituted, but fell through; and when, at last, his labors were rewarded by the great triumph of Catholic Emancipation, he was made King's counsel.

He entered parliament in 1831, as member for the borough of Milbourne Port, and subsequently represented Louth and Tipperary. For his support of government he would have been appointed Solicitor-General for Ireland, had not William IV. expressly opposed his appointment to any office. In 1839, however, he was named Vice-President of the Board of Trade, and was the first Catholic Commoner who was raised to the dignity of a Privy Councillor in England.

Still retaining his seat in parliament, though as a member for Dungarvan, he was next made Master of the Mint, and in 1851, Minister to Tuscany, but died soon after of a sudden attack of gout at Florence on the 25th of May, and lies interred in the church of San Michele.

His parliamentary speeches range over a variety of subjects, and were always heard with attention, their eloquence, power and learning, their keen satire and sharp invective, giving them an influence possessed by few ; while his earlier efforts, and all that called out his Irish or Catholic feelings, showed the whole man, absorbed, interested, eloquent, sincere.

SPEECHES OF RICHARD LALOR SHEIL.

SPEECH ON THE DUKE OF YORK.

I HAVE waited until the chair had been left, and the meeting of the Association had terminated, in order to introduce a subject, which, as it is of a purely political nature, I refrained from mentioning during the discussions of the Association, lest it should give them a character of illegality, and expose me to the imputation of having violated the law. I refer to the recent observations which have been made in the London papers upon the report of a speech of mine at a public dinner. I hope that I shall not be considered guilty of an overweening egotism, in drawing the attention of the individuals who happen to be assembled here, to what may appear to relate to myself. But the topics on which I mean to address you are of public as well as of personal interest. The truculent jocularity, and the spirit of savage jest, which have been ascribed to me, in expatiating on the infirmities of an illustrious person, have been regarded as characteristic of the moral habitudes of the body to which I belong. Thus, my vindication (for I do not rise to make an apology) extends beyond myself. Yet, let me be permitted to suggest, that it is most unfair to impute to a whole people the feelings or the sentiments of any single man. The Catholics of Ireland have been repeatedly held responsible for the unauthorized and unsanctioned language of individuals. Every ardent expression, every word that overflows with gall, every phrase uttered in the suddenness of unpremeditated emotion, are converted into charges against seven millions of the Irish people.

It is dealing rather hardly with us, to make a loose after-

dinner speech (the mere bubble of the mind), thrown off in the heedlessness of conviviality, a matter of serious accusation against a whole community. I am not endeavoring to excuse myself upon any such plea as the Bishop of Kilmore might resort to, in extenuating his late oration in Cavan; on the contrary, I am prepared to show the circumstances which, in my mind, gave warrant to what I said. But I deprecate the notion that the language employed either by myself, or by any other individual, should be held to represent the opinions of the Irish Catholics. It has been stated, that laughter was produced by an ebullition of disastrous merriment. I will suppose that some two or three dozen of individuals in an obscure country town, did not preserve the solemnity with which any allusion to the maladies of an illustrious person ought to have been received, yet it is wholly unjust to hold the Irish Catholics responsible for their lack of sensibility.

Having said this much, in order to rescue my fellow-laborers in the cause of emancipation from any responsibility for individual demerit, I shall proceed to state what, in my judgment, affords a justification of the language employed upon the occasion to which I refer. I shall not deny that I entertain a solicitude upon this subject. It is affectation on the part of any man to say, that he holds the censure of the press in no account. I cannot but be sensible that I am, from my comparative want of personal importance, more exposed to the injurious consequence of such a simultaneous assault. But I do not complain; whoever intermeddles in public proceedings must be prepared for occasional condemnation. It is one of the necessary results of notoriety, and I submit to it as a portion of my fate. I shall not, therefore, insinuate that there is any mock sentimentality in the amiable indignation with which the writers of the Whig journals have vented their censures upon what they call the barbarous hilarity of an after-dinner harangue. I will not say, that it is easy to procure a character for high sentiment, by indulging in a paroxysm of editorial anger. Nay, I will give the gentlemen who have put so much sentiment into type, credit for sincerity, and without attempting to retaliate, without referring them to their own comments upon the illustrious immoralities of the distinguished

person to whom I have alluded, I shall state the grounds on which I conceive that I have been unjustly assailed. It is right that I should at once proceed to mention exactly what took place.

The chairman of the meeting in question deviated from the ordinary usage at Roman Catholic dinners, and, in compliance with what, from his inexperience, he considered to be a sort of formula of convivial loyalty, proposed the health of a man who is an object, to use the mildest phrase, of strong national disrelish. This, I confess, excited my indignation. I felt indignation, and where is the man who has one drop of manly blood in his heart, who would not feel indignation at being called on to offer a public homage to the individual, who "has an oath in heaven" against his country. I was tempted at first to remonstrate in the language of violent reproof against such an obnoxious toast, and I own that I felt it difficult to restrain the emotions which, in common with every Roman Catholic, I entertain towards the man who is the avowed and devoted antagonist of Ireland. I recollected, however, that the chairman had done no more than comply with what he conceived to be a mere form, and I, therefore, preferred a mockery of the sentiment to any solemn denunciation. To the toast, the expression of a hope was annexed, that with the restoration of health, his feelings towards this country should undergo an alteration. "My gorge rose" at the notion of a man, whose hereditary obstinacy has been confirmed by an abjuration of his God, becoming a valetudinarian convert to liberal opinions.

The transition from anger to derision is an easy one, and I could not help indulging in the luxury of scorn, (for it is not without its gratification,) and in the spirit of a gay malevolence, but not of heartless ridicule, I stated, that I did not despair of seeing a consummation of the pious aspirations in which I had been called to join, when I recollected that protestations in politics might be as fleeting as those in love, and that as "Jove laughs at lovers' perjuries," I apprehended an unfortunate stability in "so help me God!" It was not unnatural that in this mood of unpremeditated mockery, I should make citations from certain celebrated epistles, where vows of

everlastimg attachment were succeeded by infidelities of so much infelicitous renown. The report of what I said was not full, and although I do not affect to say, that the expressions imputed to me were not used, yet they are presented to the public eye, without much concomitant matter, which would show them in, perhaps, a different light. I am sorry that the references to those celebrated letters were omitted. The following were among the passages to which I alluded, and which I think will bear me out:

"How can I sufficiently express to my sweetest, my darling love, the delight which her dear, her pretty letter gave me—millions of thanks for it, my angel. Doctor O'——— delivered your letter. He wishes much to preach before royalty, and if I can put him in the way of it, I will. What a time it appears to me, my darling, since we parted, and how impatiently I look forward to next Wednesday night. God bless you, my dear love; ah! believe me, even to my last hour, yours, and yours alone."

Thus, you perceive that his affection was sealed with as strong a vow as his antipathy. The next letter gives vent to still more impetuous emotions.

"How can I express to my darling love my thanks for her dear, dear letter! Oh, my angel, do me justice, and be convinced that there never was a woman adored as you are. There are still, however, two whole nights before I shall clasp my dear angel in my arms. Clavering is mistaken, my dear, in thinking there are any new regiments to be raised. (Thereby hangs a tale.) Thanks, my love, for the hankerchiefs, which are delightful, and I need not, I trust, assure you, of the pleasure I feel in wearing them, and thinking of the dear hands who made them for me. Adieu, my sweetest love, until the day after to-morrow; and be assured, that until my last hour, I shall remain yours, and yours alone."

It would be doing injustice to the celebrated writer of these erotic effusions, if I did not add that his recommendation of an Irish divine, was fully justified by the result, for the Morning Post mentions, that while the doctor, with the Irish Omega in his name, was preaching, the father of the illustrious individual was very attentive, and his mother and sisters were melted into tears. There is an amusement of a demi-literary kind, commonly called "cross reading." I have sometimes put the "so help me God" oration into juxtaposition with the amatory lucubrations from which I have given a few extracts,

and the reading stood thus: "It was connected with the serious illness of one now no more. Doctor O'—— wishes much to preach before royalty. I have never seen any reason to regret or change the line which I then took." "Oh! my angel, do me justice and be convinced that there never was a woman adored as you are—there are still, however, two whole nights before I can clasp my angel in my arms." I feel very strongly on the whole subject—"ten thousand thanks, my love, for the handkerchiefs, which are delightful." Here he became sensibly affected. "I have been brought up all my life in these principles, and be assured that, to my last hour, I shall ever remain yours, and yours alone, 'so help me God!'"

This amalgamation of his passions and his politics, in which his vices and his virtues are fused together, presents his character in a just light. But I should lay aside the language of derision. Why have I made these references to transactions, which, but for his relentless antipathies to my country, I should readily have forgotten? It is not in the spirit of wanton malignity and inglorious revenge. It is for the purpose of recalling to the commentators upon myself the period at which that illustrious person was an object of as much aversion in England, as he is in Ireland at this day. It is for the purpose or branding his protestations about conscience, with all the scorn which they merit; it is in order to exhibit, in their just light, his appeals to heaven; to put his morality into comparison with his religion, and to tear off the mask by which the spirit of oppression is sought to be disguised. Conscience, forsooth! It is enough to make one's blood boil to think on't! (That he who had publicly, and in the open common day, thrown off every coverlet of shame—who had wallowed in the blackest stye of profligate sensuality, an avowed and ostentatious adulterer, whose harlot had sustained herself by the sale of commissions, and turned footmen into brigadiers! that he,—yet hot and reeking from the results of a foul and most disgraceful concubinage—should, without sense or memory or feeling, before the eyes of the whole empire, with the traces of his degradation still fresh upon him, presume to call upon the name of the great and eternal God,

and in all the blasphemy of sacrilegious cant, dedicate himself with an invocation of heaven to the everlasting oppression of my country! This it is that sets me, and every Irish Catholic, on fire. This it is which raises, excites, inflames, and exasperates! This it is that applies a torch to our passions. This it is that blows our indignation into flame. And it is this which, in the eyes of men, who stand the cold spectators of our sufferings, and yield us a fastidious sympathy in our wrongs, makes us appear factious, virulent and ferocious. This it is which makes them think that our mouths are foaming with rabid froth, and that there is poison mixed with madness in our fangs.

I will furnish our antagonists with expressions of condemnation: I will assist their vocabulary of insult—I will allow them to heap contumely upon contumely, and reproach upon reproach, and I will only answer, that if they were similarly situated, they would feel with the same poignancy, and speak with the same turbulent virulence as ourselves,—I will only say, in the language of the great master of human nature—

"You should not speak of what you cannot feel."

They cannot feel our condition, or appreciate our injuries to their full extent. I cannot say the same thing of the illustrious person to whom I have alluded. He has been placed in circumstances somewhat analogous. Good God! that such a man should tell us that we labor under no privation, and are subject to no wrong! What were his own feelings—how did his heart beat when he was driven by the loud and reiterated cries of the English people, from his high office! We are told by him that an exclusion from the honors of the State is no substantive injury. Did he forget his own letter to the House of Commons, in which he offered up an act of contrition for the consequences of his impure connection, and, acknowledging that his heart was almost broken, resigned his office? Did the sacrifice cost him no pang? Did the oblation which he made to the public feeling awake no painful sensation in his mind? Did not his cheek burn, and was not his face turned into scarlet, when he took the pen with a trembling hand, (for it must have trembled,) and signed the instrument

of his resignation? What a palsy must have seized his arm when he let the truncheon fall! And if in that dreadful crisis he felt a deep agony of heart, should he not make some allowance for those who, for no other cause than a conscientious adherence to the religion in which they were born and trust to die, are excluded from those honors which are accessible to every other class of British subjects? What then is the charge against me? That I have not enough of Joseph Surface in my character, to express a wish that the great obstacle to my liberty should not be removed! My crime is, that I am not a hypocrite so base, as to allow a public libation to his name to pass without a comment. It was extorted from me, and my observations were not dictated by any cold and deliberate malice toward the individual, but by the feeling of distaste which the announcement of such a toast produced in my mind. The sarcasm was directed to the sentiment and not to the man. With respect to the individual himself, I doubt not that in private life he is not destitute of good qualities. It is said that he is a person of honor, and of a kindly disposition. This I am not inclined to controvert; and it would be an injustice not to add, that in many particulars, in his official capacity, he is entitled to praise. Diligence, punctuality, and an attention to the interests of the inferior class of persons, who are placed under his superintendence, are among his merits. But what compensation does good nature afford for the denial of liberty? The mistakes of men in his condition are equivalent in their consequences to acts of deliberate criminality. Imbecility of understanding, and obstinacy of character, generate as many evil results as depravity of disposition, and, if I may employ the phrase, tyranny of heart. If I have adverted to conduct which, in a court, is called folly, but which in lower departments of society is called vice, it is not that I am anxious to exaggerate those weaknesses which exposed him to ridicule, into enormity. The absurdities in love, into which he fell, should rest in oblivion, if he did not, by talking of the pain to which the royal conscience would be exposed provoke a contrast between his life and his protestations, and make us tear open the tattered curtains of concubinage, in order to draw arguments against him from an adul-

terous bed. Who, we inevitably ask, is the man who appeals to heaven? Who is the man that entreats the House to consider the torture of conscience in which the sovereign is thus placed? Who is it that lifts up his hands and exclaims, "So help me God?" Is he a man of pure and unblemished life? Is he a man of bright and immaculate morality? Is he a man distinguished for his fidelity to his pecuniary contracts, and who never allowed his humble creditors to be the victims of a licentious prodigality? These are the interrogatories which this appeal to Almighty God necessarily forces upon us. We are rendered astute in the detection of errors, by the anxiety to find fault, and look into the life of such a person with a microscopic scrutiny. It is much to be regretted that he has exhibited a solicitude to be hated by the Irish people. He has lost no opportunity to gather about his name the antipathies of this country. Witness his having accepted the office of Grand Master of an illegal association of men, combined together for the oppression of their fellow-countrymen, and who, perverting the word of God into the signal of massacre, employed as a motto of their sanguinary institution, "Thy foot shall be steeped in the blood of thine enemies, and the tongue of thy dog shall be red with the lapping thereof." Is it, then, to be expected, that, for the ex-Grand Master of an Orange Lodge we should entertain much tenderness and anxiety, or that any man who has taken the active part which I have, in Catholic affairs, should allow his name, when held up as an object of sympathy, to pass without some reprehensive comment? I do not exult in any corporeal suffering which he may endure. If he suffers pain, and it were in my power to alleviate it, I should obey the instincts of my nature, and, dismissing my political detestations, bear him relief. But if I am asked whether I should desire to see the misfortunes of my country prolonged, I answer, "the liberty of Ireland is too dear." He is, it is beyond all doubt, the great obstacle to concession. What, then, do our opponents expect from us? If they require that excess of Christian philosophy, which should teach us to offer up our orisons for the degradation of our country, they ask too much. What would Catholic Emancipation produce? It would promote a whole people to their just

level in the State; it would create tranquillity, and open the sources of national wealth in a land which is impoverished by its distractions; it would bind us in harmony together, and put an end to those dissensions by which we are rent asunder, and by which all the charities of life are blasted; it would remove that spirit of animosity and virulence which fills the hearts of men with the worst passions, and makes them turn with an emulation of hatred upon each other; it would, in one word, produce a great and permanent national reconciliation, and fix the stability of the British empire upon an everlasting foundation. These would, in my mind, be the glorious results of Catholic Emancipation; and I am only speaking the feeling of the whole Irish people, when I avow that I do not desire the perpetuation of the chief impediment that stands in its way, and thus obstructs a consummation which every lover of his country must most devoutly wish.

SPEECH IN REPLY TO MR. M'CLINTOCK.

[Mr. M'Clintock, a Protestant gentleman of rank and fortune in the county of Louth, having attended a Roman Catholic meeting, held in the chapel of Dundalk, and delivered a speech containing strictures on the Catholic religion, Mr. Sheil rose immediately after Mr. M'Clintock had concluded, and said:]

The speech of Mr. M'Clintock (and a more singular exhibition of gratuitous eloquence I have never heard) calls for a prompt and immediate expression of gratitude. He has had the goodness to advise us (for he has our interests at heart) to depute certain emissaries from the new order of Liberators to his Holiness at Rome, for the purpose of procuring a repeal of certain obnoxious canons of the Council of Lateran. If Mr. M'Clintock had not assured us that he was serious, and was not actuated by an anxiety to throw ridicule upon the religion and proceedings of those whom he has taken under his spiritual tutelage, I should have been disposed to consider him an insidious fanatic, who, under the hypocritical pretence of giving us a salutary admonition, had come here with no

other end than to fling vilification upon our creed, and to throw contumely upon the persons who take the most active part in the conduct of our cause. But knowing him to be a person of high rank and large fortune, and believing him to possess the feelings as well as the station of a gentleman, I am willing to acquit him of any such unworthy purpose, and do not believe that his object in addressing us, was to offer a deliberate and premeditated insult. He did not, I am sure, (for it would be inconsistent with the character which I have ascribed to him,) enter this meeting for the purpose of venting his bile into our faces, and voiding upon his auditory the foul calumnies against the religion of his countrymen, which furnish the ordinary materials of rhetoric in the Bible Societies, of which he is so renowned a member. He did not come here to talk of the Pope's golden stirrups to a mass of ignorant and unenlightened people, and to turn their belief into ridicule with his lugubrious derision. The topics which he selected were, indeed, singularly chosen, and when he talked of the Order of Liberators, I was disposed to take him for a wag. But I raised my eyes and looked him in the face, and perceiving a person, whose countenance would furnish Cruikshank with a frontispiece to the Spiritual Quixote, I at once acquitted him of all propensities to humor, and could not bring myself to believe it possible that Mr. M'Clintock had ever intended to be droll. At one moment I confess I was in pain for him, for I was apprehensive that the language in which he expressed himself in regard to our clergy, and the forms and habitudes of Popery, would be apt to excite the indignation of a portion of this immense auditory; but the spirit of courtesy prevailed over feelings of the people, and, so far from having been treated with disrespect, he was listened to with more than ordinary indulgence. He excited less of our anger than of our commiseration. I am upon this account rejoiced that he should have undertaken an exploit of this kind. We have given him evidence, at all events, that, however intolerant the theory of our religion may appear to him, we are practically forbearing and indulgent. We allowed him to inveigh against the bridle and saddle of the Pope, without a remonstrance; we permitted him to indulge in his dismal merriment, and his

melancholy ridicule, without a murmur; he will therefore have derived a useful lesson from his experiment upon the public patience, and when he shall recount to his confederates of the Bible Society his achievements amongst us, he will have an opportunity of telling them that we are far more tolerant of a difference of opinion than the pious auditory which Mr. M'Clintock is in the habit of addressing. I have occasionally attended meetings of the Bible Society, and observed that whoever ventured to remonstrate against the use of the Apocalypse as a Spelling Book, incurred the indignation of the assembly.

I remember to have heard it suggested, that the amatory pictures which are offered to the imagination in the Canticle of Canticles, were not exactly fitted to the private meditation of young ladies when the countenances of the fair auditors immediately assumed an expression of beautiful ferocity, and they looked like angels in a passion. Henceforth, however, Mr. M'Clintock may be able to refer to the example of his Roman Catholic auditors in recommending to his pretty votaries at the Bible Society, that meekness and forbearance of which the Roman Catholic ladies have this day afforded a model. In this view the exhibition of Mr. M'Clintock may be considered as likely to be productive of some utility. But, after having thus endeavored to convey to him an expression of the gratitude which we feel for this interposition of his advice, it is right that I should, after giving him every credit for the benevolent sincerity of his motives, examine into the details of his admonition, and endeavor to ascertain how far it is judicious upon our part to follow the course which he has taken on himself to point out; let me, however, be allowed to make one preliminary remark. On rising he informed us, that he merely obeyed the impulse of the moment and yielded to the sudden suggestions of the Spirit, in communicating his advice. I was not a little surprised that he immediately afterwards produced a series of voluminous extracts from the theological history of the Catholic Church, which, together with certain facetious references to the Cardinals, constituted the substance of his discourse. In any other man I should take this elaborate accumulation of ecclesiastical learning as evidence that he had

made some preparation for a somewhat adventurous enterprise, and that he had come furnished with a panoply from the armory of heaven. I should have supposed that he had taken some time in collecting so many weapons of celestial temper. But Mr. M'Clintock is a peculiar favorite above; he was supplied, no doubt, with these valuable notes by a preternatural means; some angelic influence must have been exercised in his favor, and a hand invisible to our profaner eyes, furnished him on the instant with those large extracts from the Canons of the Council of Lateran.

[Here Mr. M'Clintock rose with some appearance of displeasure, and said that Mr. Sheil was misrepresenting him. He had stated that he had the notes for some time in his pocket.]

Mr. Sheil.—I certainly had understood that Mr. M'Clintock intimated that he had come without preparation to this meeting; I am now, however, to understand that he is not indebted for his recondite erudition to any sudden irradiation from heaven, but that he previously accumulated this mass of citations against Popery. Indeed, the external aspect of the document sustains his present allegation, for the "Sibylline leaves" which were produced by him, seemed a little sere and faded. I perceive that Mr. M'Clintock does not take the remarks which I have presumed to make in very good part. In the Evangelical Societies where he makes so conspicuous a figure, he has it all his own way. He is not much accustomed to the collisions of intellect which are incident to popular debate; but he must not expect that a person having so much veneration as I have for the Pope's bridle and saddle, to which he has adverted with such a pleasant unction, should not return his compliment to my religion, and give him a few hints upon his own.

Mr. M'Clintock is no ordinary person. He is the uncle of Lord Roden, and the near relative of Lord Oriel; he is, besides, nearly allied to the Archbishop of Tuam, of Biblical renown, and has obtained no little notoriety by his epistolary controversies with Doctor Curtis. The observations of such a man ought not to be allowed to pass without comment; I shall, therefore, proceed. Mr. M'Clintock recommends us to

procure a repeal of the canons of the Council of Lateran. I am apprehensive that Mr. M'Clintock has blinded himself with the dust of those ponderous folios which he must needs have studied, in order to exhibit such a farrago of theology as he has produced to-day. The Councils of Nice, of Constance, of Lateran, and of Trent, are as familiar to him as "household words." He has thrown them into what the lawyers call a hotch-potch together. I shall not undertake to follow him through so much dark and mysterious erudition; but, at the same time, I shall grapple with the principle upon which his reference to the Councils are founded. He tells us that we ought to procure a repeal of the denunciations against heresy before we can expect Emancipation.

I beg leave to suggest the propriety of putting Mr. M'Clintock into parliament, in place of his kinsman, Mr. Leslie Foster, in order to enable him to move for a repeal of the laws against witchcraft, passed by a Protestant legislature in the reign of James I. Thus a three-fold object will be attained. We shall, in the first place, get rid of Mr. Leslie Foster; in the second place, we shall reward Mr. M'Clintock for his well-meant admonitions; and in the third place, we shall afford an opportunity to Mr. M'Clintock of giving the same earnest exhortations to his fellow-legislators, to relieve their religion from the odium with which the enactments of superstition ought to be pursued. But let me put the language of mockery aside, and ask Mr. M'Clintock whether it be not as unjust to charge the Catholics of the nineteenth century with edicts passed some centuries ago, as it would be to impute to the Protestant religion the fanatical absurdity which dictated the statute against the "feeders of evil spirits."

It is perfectly obvious that Mr. M'Clintock has conveyed a charge of intolerance in the shape of advice. He deserves a serious answer. I shall, in the first place, point out the circumstances under which any denunciations against heresy were pronounced by the assembled hierarchy of the Christian world. I shall show, in the second place, that the spirit of Protestantism was, at one period, fully as sanguinary and ferocious as that which Mr. M'Clintock has ascribed to the genius of Popery, in what he might call the night of its darkest

domination. And I shall give proof to Mr. M'Clintock, in the third place, that while the faith of Roman Catholics remains unchanged, the principles by which the civil executive enforced an uniformity of creed, have been long since abandoned. If, like Mr. M'Clintock, I were a reader of Saint Peter, without note or comment, I might refer him to the second chapter, in which he speaks of "false teachers who shall bring in damnable heresies;" but I know that Mr. M'Clintock has no great relish for St. Peter, or for his successors.

The Roman Catholic divines were sufficiently fluent in quoting the authority of the Scriptures, when the State deemed it expedient to call their sanction in aid of the enactments of civil policy. Good warrant for the writ, "*de hæretico comburendo*," might readily be found in the Testament, both old and new. But I thank God that it was never a part of the faith of Roman Catholics, that the light of the Gospel ought to be propagated with the fagot, or that the darkness of heresy ought to be dispelled with the flames of an *auto de fe*. There is a manifest distinction between faith, which consists of a belief in certain religious tenets, and the practical measures by which that faith is sought to be enforced. A belief in transubstantiation is a part of our creed, but the punishment of heresy is matter not of belief, but of regulation, and cannot be said to constitute any portion of the Roman Catholic faith.

It is perfectly true, that at a period when the Roman Catholic religion was the only form under which Christianity was professed, a system of discipline was adopted, of which the object was to repress innovation, and it would be easy to find many plausible arguments among Protestant divines, in support of that restraint upon novelties in religion, which, under the pretence of preserving the repose of society, were introduced by the lawgivers of a darker age. The intimate connexion between the State and the Church, produced ordinances in the one, which were intended to be the props of the other. By a reciprocity of corruption, they infected each other—statesmen were turned into divines, and divines into statesmen. This was an unnatural transformation, and produced the worst results.

If we enter into a comparison of the enormities committed

by the Catholics in opposing, or the Protestants in extending, the doctrines of the Reformation, perhaps it would be difficult to strike a balance of atrocity between them. If any excuse could be urged, (but there can be none,) it might be suggested on the part of the professors of the old religion, that they were, to use a legal illustration, in possession of the estate, and opposed every casual ejector who came to trespass on their exclusive property in heaven. The Protestants who throw imputations on our Church, should consider the position from which their projectiles are flung, and should remember that they live in houses of brittle materials.

It is notorious that almost, with the single exception of Melanchthon, all the earlier Reformers were infuriated persecutors. After hunting Popery down, they turned like mad wolves upon each other. The progress of the Reformation is tracked with fire and blood. It is unnecessary to go through the details of enormity on the Continent, but as Mr. M'Clintock seems to belong to the Calvinistic department of Christianity, (I should so collect from his aspect,) he will pardon me for referring him to Geneva, that metropolis of orthodoxy, for illustrations of the peaceful and forbearing spirit with which the Fathers of the Reformed Religion enforced their revelations. They tortured, they emboweled, they consumed with slow fires whoever presumed to question their delegation from heaven.

But let us turn to England. It is but a few days since I perused a letter by that martyr of Reformation, the detestable Cranmer, in which he writes, that inasmuch as one Fryth did not think it necessary to believe in the corporal presence of Christ in the Sacrament, and held, in this point, much after the opinion of Œcolampadius, it was necessary to hand him over to the secular power, "where," as Cranmer says, "he, Fryth, looked every day to go to the fire." Well might he exclaim, "this guilty hand;" well might the Patriarch of Reformation, while he was himself perishing at the stake, utter that terrific cry; but he should have applied it not to the recantation of his opinions, but to the sanguinary misdeeds to which that hand had given its sanction. If the mother of Fryth had stood beside him, might she not have

cried, "Your groans are like the groans of my son, and your screams remember me of his cries." But why refer to Cranmer, when I may resort to the amiable and benevolent Henry, the Father of the English Reformation. Protestants disclaim that celebrated Prince; but really they should be held responsible for his barbarities, when they impute to us every delinquency practised by the professors of our creed. Let them deny it as they will; if we trace the Protestant religion to its fountainhead, however it may have been purified in its progress, we shall find its sources stained with blood.

But perhaps Mr. M'Clintock will say, that it pleased Providence to choose an unworthy instrument, in the ferocious Henry, for the accomplishment of its sacred purposes; and that when we find the cradle of their religion rocked in murder, adultery, and incest, we see an exemplification of the tendency of Heaven to deduce good from ill. It must be confessed, that Providence displayed a somewhat fantastic and capricious taste in choosing an execrable tyrant for the execution of its holy designs. It may be said, that the light only dawned in the mind of Henry—that the Spirit did not visit him in its fullest illumination—and that although the morning of the Reformation was dark and gloomy, and many a bloody cloud attended the ascending luminary, yet that in a little while the truth appeared in all its glory, and spread into the full splendor of day. Well, let me pass at once to the 27th of Elizabeth, by which it was enacted, that "every Romish priest should be hanged until he was half dead, then should have his head taken off, and his body cut in quarters—that his bowels should be drawn out and burned, and his head fixed upon a pole in some public place." What will Mr. M'Clintock say to this? Does he think the charge of intolerance is justly confined to the religion of Rome?

I will not pursue the spirit of persecution through the variety of legislative enactments in which it is exemplified. What need I do more than refer to the Penal Code enacted in this country, by which the son was incited to revolt against father, and parricide was converted into a sort of political duty by the law. It was of this code that Sir Toby Butler said, "It is enough to make the hardest heart bleed to think on't."

It would be an almost endless labor to go through all the proofs, with which history may be said to teem, of the ferocious spirit by which sectarian power has been almost uniformly displayed. I can readily produce gibbet for gibbet against Mr. M'Clintock; and the only difference between us would be, that Catholics had a larger field for the exercise of that unfortunate tendency, which appears to belong to the nature of man. The Protestants, however, made good use of their time. The truth is, that both parties are to blame, and should avoid its recriminating retrospect. How much more wise it would be of Mr. M'Clintock, instead of referring us to the Council of Lateran, to refer his fellow-believers to the progress of events, to the universal diffusion of intelligence, and the material change which the religion both of Catholics and of Protestants has undergone. The sphere of human knowledge has advanced, and the Catholic Church has been carried along in the universal progression. Our faith is the same, but our system of ecclesiastical government is wholly changed.

Persecution cannot be considered as an ingredient of a man's creed. It may, indeed, be the result of his principles, but cannot be considered as of the essence of his belief. It were wiser for Mr. M'Clintock to look at the declarations of the Catholic Universities, denying the abominable doctrines imputed to us—to the recent protest of the Catholic bishops of Ireland; and to the oath which every Roman Catholic takes, than to the moth-eaten volumes with which he has been replenishing his mind. Let him beware of these studies—"the insect takes the color of the leaf upon which it feeds." and I know of no worse color than the black letter repertories of theology which have supplied his intellectual nourishment.

But let us go beyond protests, and oaths, and declarations, and come to facts. The liberality of the Catholics is not confined to mere speculation. Look at Hungary, where, for upwards of forty years, all distinctions between Protestant and Catholic have been abolished. Mr. M'Clintock has, *en passant*, inveighed against Charles X. and the Jesuits. Poor gentleman, he has the same fear of the Jesuits as Scrub in the play, who rushes out in agony of terror, and exclaims, "murder,

robbery, the Pope and the Jesuits." It is not my office to defend the intellect of Charles X. I believe that if the brains of Protestant and Catholic royalty were weighed, the scales would be found in a state of complete equipoise. I hardly think that the Guelphs would weigh the beam to the carpets, and if the head of his Royal Highness the Duke of York were to be examined by Professor Spurzheim, he would probably find in it an equally faithful exemplification of his theory. On the head of the Duke of Cumberland, indeed, some bumps, as they are technically called, might be discovered, which the ghost of Selis should be conjured to explain.

But a truce to laughter. Protestants complain of the intolerant spirit of the French law. In the first place the Huguenots are provided with churches at the public expense. In Rue St. Honoré, in Paris, they have a splendid place of worship given them by the State, and their clergy are not only paid as well, but much better, than the Roman Catholic ecclesiastics. They receive one third more. Let Mr. M'Clintock look to the French character, and he will find that by the third article, "all Frenchmen are equally admissible to all civil and military employments," and by the fifth, "each indiviuual is allowed to profess his religion with an equal freedom, and obtains for his form of worship, the same protection." But all these arguments, derived both from reason and from fact, have no weight, as long as we consider the Pope infallible. Mr. M'Clintock informs us, that no human being is exempt from frailty, and refers to King David, and the interesting story of Bathsheba. He has also quoted the uxorious propensities of his son.

Mr. M'Clintock seems well versed in the Old Testament, and appears well qualified to make elegant extracts of its more enticing incidents for the meditation of young ladies. They would make a neat volume, especially if adorned with prints; and some fair devotee well skilled in drawing should be applied to, to throw her imagination into the pencil, and furnish illustrations. A pretty subject that of David and Bathsheba, to which Mr. M'Clintock has adverted. He passed with much rapidity of transition to his Holiness, and I own I expected a few anecdotes of the Borgia family, to beguile the tedium of

debate. However, he confined himself to the equestrian habitudes of his Holiness. I beg to apprise Mr. M'Clintock, that I, for one, do not consider the Pope infallible—nor is such an opinion maintained by our church. Roman Catholics indeed believe that truth resides in their church, as most people believe their own to be the best religion. Mr. M'Clintock will allow me to interpret the scriptures as I think proper. St. Paul and he differ, indeed, on that head, as St. Paul condemns "private interpretation. But I meet Mr. M'Clintock on his own ground, and tell him that I find texts in Scripture which, according to my private construction, warrant a belief in the infallibility of the church. I may be wrong, but I deduce that position from the Scriptures, and the first use I make of them is, to bow down my judgment to the church. I need not repeat the texts, "Thou art Peter." "Lo, I will be with you to the end of time," and so forth. I by no means insist on Mr. M'Clintock adopting my construction, but upon his own principles, he must not quarrel with the inference which I draw from the Bible. I have as much right to draw that conclusion from the Bible, as he has to believe in his election from eternity, which he derives from the same source. Why then should I be debarred of my civil rights for believing that truth must reside somewhere, and for choosing to give it a residence in the Catholic Church, instead of the bottom of a well. At all events the arguments on my side are plausible enough to have imposed on many great and good men; and I must be pardoned for following, like Mr. M'Clintock, my own vagary in religion. There is, in my mind, this difference between Mr. M'Clintock and myself. I believe the church to be infallible, and he believes himself to be so.

MR. M'CLINTOCK.—Not at all.

MR. SHEIL.—I shall show Mr. M'Clintock that this conclusion is the necessary consequence of his premises. If every Protestant is entitled to draw his religion from the Bible, it follows that he must be capable so to do. If he be capable so to do, he must be enlightened by heaven, and if enlightened by heaven, as God does not lead us astray, he must be infallible. A member of the Bible Society gives the Scriptures to his child, and desires him to make out his faith from them,—

"Here, (he says,) my sweet little divine, is the Book of Life—do not attend to what the priests and cardinals tell you, but study the Trinity by yourself; investigate the mystery of the Incarnation, and solve the prophetical problems of the Apocalypse—and, my dear boy, if ever you are in want of amusement, read the pleasant story of David and Bathsheba, and the other instructive anecdotes which you will find interspersed in this holy book. God will preserve your imagination from taint, and fill with his divine grace every little theologian of thirteen. And now good bye, and go and play with the Gospel at 'hide and go seek.'" So much for divinity in its teens. But seriously speaking, if the boy be not infallible, why give the Bible to the boy? It comes to this—I am for corporate, and Mr. M'Clintock for individual infallibility. I prefer the decrees of councils—he prefers the rhapsodies of conventicles. I like the religion of Pascal, and Fénelon, and Bossuet, and Arnaud, while Mr. M'Clintock and the ladies of Dublin have a predilection for the new apostle of the Gentiles—Baron Munchausen Katerfelto Ferdinand Mendez Pinto Wolff, formerly of Monmouth street, London, lately of the Propaganda in Rome, and now Chief Propagator to the Ladies' Auxiliary Bible Society, Dublin. Kirwan used to say, that the teachers of new religions were like the soldiers who tore the seamless garment of our Saviour to pieces. This converted Hebrew, after selling old clothes through Germany, comes hawking some shreds of new-fashioned Christianity in Dublin. The fellow's name and aspect reminds me of Dryden's description of the fanatics:

> "More haughty than the rest, the Wolffish race—
> Appear with belly gaunt and famished face—
> Never was so deformed a beast of grace."

I commend Mr. M'Clintock to this worthy missionary from Syria, of whose infallibility and fidelity in the commemoration of his own wonders, I presume he makes no question, and gives him a decided preference to Prince Hohenlohe. Good heaven! to what a pitch fanaticism has arrived! An ignorant Israelite arrives in Dublin, defies all the doctors of the Church of Rome, in the world, to meet him in intellectual combat, directs that answers should be inclosed from all the universe

to Mr. Hogan, of York street, and is forthwith encompassed with all the rank and beauty of Dublin. Warren, with his blacking, is nothing to this; and Ingleby, "the emperor of conjurers," who defied every other juggler, sinks into miserable diminution before this master of celestial legerdemain. But, sir, enough of these topics, which are very foreign from those on which I had intended to address you. Mr. M'Clintock has broken in upon the ordinary course of our discussions, and has, perhaps, enlivened this meeting with some diversity of matter. I hope we shall often see him amongst us, and that some of his associates of the Bible Society will do us the favor to accompany him; for, although we are greatly surpassed by them in the riches of diction, extent of acquirement, grace of elocution, and power of reasoning, yet the truth upon our side almost renders us their match. Having spoken thus much, I shall not enter into any of the subjects suggested by your resolutions, but shall content myself with simply stating, that for the vote of thanks you have given me for my professional exertions at the election, to the success of which you are pleased to say that I contributed, I am deeply grateful.

SPEECH AT THE CLARE ELECTION.

[At the close of the poll, Mr. Sheil spoke in the following terms:]

I am anxious to avail myself of this opportunity to make a reparation to Mr. Fitzgerald. Before I had the honor of hearing that gentleman, and of witnessing the conciliatory demeanor by which he is distinguished, I had in another place expressed myself with regard to his political conduct, in language to which I believe that Mr. Fitzgerald referred upon the first day of the election, and which was, perhaps, too deeply tinctured with that animosity which is almost inseparable from the passions by which this country is so unhappily divided. It is but an act of justice to Mr. Fitzgerald to say,

that, however we may be under the necessity of opposing him as a member of an administration hostile to our body, it is impossible to entertain towards him a sentiment of individual hostility; and I confess that, after having observed the admirable temper with which he encountered his antagonists, I cannot but regret that, before I had the means of forming a just estimate of his personal character, I should have indulged in remarks in which too much acidity may have been infused. The situation in which Mr. Fitzgerald was placed was peculiarly trying to his feelings. He had been long in possession of this county. Though we considered him as an inefficient friend, we were not entitled to account him an opponent. Under these circumstances, it may have appeared harsh, and perhaps unkind, that we should have selected him as the first object for the manifestation of our power; another would have found it difficult not to give way to the language of resentment and of reproach, but so far from doing so, his defence of himself was as strongly marked by forbearance as it was by ability. I thought it, however, not altogether impossible, that before the fate of this election was decided, Mr. Fitzgerald might have been merely practising an expedient of wily conciliation, and that when he appeared so meek and self-controlled in the midst of a contest which would have provoked the passions of any ordinary man, he was only stifling his resentment, in the hope that he might succeed in appeasing the violence of the opposition with which he had to contend. But Mr. Fitzgerald, in the demeanor which he has preserved to-day, after the election has concluded with his defeat, has given proof that his gentleness of deportment was not affected and artificial; and, now that he has no object to gain, we cannot but give him as ample credit for his sincerity, as we must give him for that persuasive gracefulness by which his manners are distinguished. Justly has he said that he has not lost a friend in this country; and he might have added that, so far from having incurred any diminution of regard among those who were attached to him, he has appeased to a great extent the vehemence of that political enmity in which the associate of Mr. Peel was not very unnaturally held.

But, sir, while I have thus made the acknowledgment which

was due to Mr. Fitzgerald, let me not disguise my own feelings of legitimate, but not, I hope, offensive exultation at the result of this great contest, that has attracted the attention of the English people beyond all example. I am not mean enough to indulge in any contumelious vaunting over one who has sustained his defeat with so honorable a magnanimity. The victory which has been achieved has been obtained not so much over Mr. Fitzgerald as over the faction with which I excuse him to a great extent for having been allied.

A great display of power has been made by the Catholic Association, and that manifestation of its influence over the national mind I regard as not only a very remarkable, but a very momentous incident. Let us consider what has taken place in order that we may see this singular political phenomenon in its just light. It is right that we attentively survey the extraordinary facts before us, in order that we may derive from them the moral admonitions which they are calculated to supply. What then has happened? Mr. Fitzgerald was promoted to a place in the Duke of Wellington's councils, and the representation of this great county became vacant. The Catholic Association determined to oppose him, and at first view the undertaking seemed to be desperate. Not a single Protestant gentleman could be procured to enter the lists, and in the want of any other candidate, Mr. O'Connell stood forward on behalf of the people.

Mr. Vesey Fitzgerald came into the field encompassed with the most signal advantages. His father is a gentleman of large estate, and had been long and deservedly popular in Ireland. Mr. Fitzgerald himself, inheriting a portion of the popular favor with a favorite name, had for twenty years been placed in such immediate contiguity to power, that he was enabled to circulate a large portion of the influence of government through this fortunate district. There is scarcely a single family of any significance among you, which does not labor under Mr. Fitzgerald's obligations. At this moment it is only necessary to look at him, with the array of aristocracy beside him, in order to perceive upon what a high position for victory he was placed. He stands encompassed by the whole gentry of the county of Clare, who, as they stood by him in

the hour of battle, come here to cover his retreat. Almost every gentleman of rank and fortune appears as his auxiliary; and the gentry, by their aspect at this instant, as well as by their devotedness during the election, furnish evidence that in his person their own cause was to be asserted. To this combination of favorable circumstances—to the political friend, to the accomplished gentleman, to the eloquent advocate, at the head of all the patrician opulence of the county, what did we oppose? We opposed the power of the Catholic Association, and with that tremendous engine we have beaten the cabinet minister, and the phalanx of aristocracy by which he is surrounded, to the ground. Why do I mention these things? Is it for the purpose (God forbid that it should!) of wounding the feelings or exasperating the passions of any man? No, but in order to exhibit the almost marvellous incidents which have taken place, in the light in which they ought to be regarded, and to present them in all their appalling magnitude.

Protestants who hear me, gentlemen of the county Clare, you whom I address with boldness, perhaps, but certainly not with any purpose to give you offence, let me entreat your attention. A baronet of rank and fortune, Sir Edward O'Brien, has asked whether this was a condition of things to be endured: he has expatiated upon the extraordinary influence which has been exercised in order to effect these signal results; and, after dwelling upon many other grounds of complaint, he has with great force inveighed against the severance which we have created between the landlord and tenant. Let it not be imagined that I mean to deny that we have had recourse to the expedients attributed to us; on the contrary, I avow it. We have put a great engine into action, and applied the entire force of that powerful machinery which the law has placed under our control. We are masters of the passions of the people, and we have employed our dominion with a terrible effect.

But, sir, do you, or does any man here, imagine that we could have acquired this formidable ability to sunder the strongest ties by which the different classes of society are fastened, unless we found the materials of excitement in the state of society itself? Do you think that Daniel O'Connell has

himself, and by the single powers of his own mind, unaided by any external co-operation, brought the country to this great crisis of agitation? Mr. O'Connell, with all his talents for excitation, would have been utterly powerless and incapable, unless he had been allied with a great conspirator against the public peace: and I will tell you who that confederate is—it is the law of the land itself that has been Mr. O'Connell's main associate, and that ought to be denounced as the mighty agitator of Ireland. The rod of oppression is the wand of this enchanter, and the book of his spells is the penal code. Break the wand of this political Prospero, and take from him the volume of his magic, and he will evoke the spirits which are now under his control no longer. But why should I have recourse to illustration which may be accounted fantastical, in order to elucidate what is in itself so plain and obvious? Protestant gentlemen, who do me the honor to listen to me, look, I pray you, a little dispassionately at the real causes of the events which have taken place amongst you. I beg of you to put aside your angry feelings for an instant, and believe me that I am far from thinking that you have no good ground for resentment.

It must be most painful to the proprietors of this county to be stripped in an instant of all their influenee; to be left destitute of all sort of sway over their dependents, and to see a few demagogues and priests usurping their national authority. This feeling of resentment must be aggravated by the consciousness that they have not deserved such a return from their tenants; and as I know Sir Edward O'Brien to be a truly benevolent landlord, I can well conceive that the apparent ingratitude with which he was treated, has added to the pain which every landlord must experience; and I own that I was not surprised to see tears upon his eyelids, while his face was inflamed with the emotions to which it was not in human nature that he should not give way. But let Sir Edward O'Brien, and his fellow-proprietors who are gathered about him, recollect that the facility and promptitude with which the peasantry have thrown off their allegiance, are owing not so much to any want of just moral feeling on the part of the people, as to the operation of causes for which the people are not to blame.

In no other country, except in this, would such a revolution have been effected. Wherefore? Because in no other country are the people divided by the law from their superiors, and cast into the hands of a set of men, who are supplied with the means of national excitement by the system of government under which we live.

Surely no man can believe that such an anomalous body as the Catholic Association could exist, excepting in a community which had been alienated from the state by the state itself. The discontent and the resentment of seven millions of the population have generated that domestic government, which sways public opinion, and uses the national passions as the instruments of its will. It would be utterly impossible, if there were no exasperating distinctions amongst us, to create any artificial causes of discontent. Let men declaim for a century, and if they have no real grievance their harangues will be empty sound and idle air. But when what they tell the people is true—when they are sustained by substantial facts, effects are produced, of which what has taken place at this election is only an example. The whole body of the people having been previously excited, the moment any incident, such as this election, occurs, all the popular passions start simultaneously up, and bear down every obstacle before them. Do not, therefore, be surprised that the peasantry should throw off their allegiance when they are under the operation of emotions which it would be wonderful if they could resist. The feeling by which they are actuated, would make them not only vote against their landlord, but would make them scale the batteries of a fortress, and mount the breach; and, gentlemen, give me leave to ask you, whether, after a due reflection upon the motives by which your vassals (for so they are accounted) are governed, you will be disposed to exercise any measures of severity in their regard.

I hear it said, that before many days go by, there will be many tears shed in the hovels of your slaves, and that you will take a terrible vengeance. I trust that you will not, when your own passions shall have subsided, and your blood has had time to cool, persevere in such a cruel, and let me add, such an unjustifiable determination. Consider whether a great

allowance should not be made for the offence which they have committed. If they are under the influence of fanaticism, such an influence affords many circumstances of extenuation:—you should forgive them, "for they know not what they do." They have followed their priests to the hustings, and they would follow them to the scaffold. You will ask, wherefore they should prefer their priests to their landlords, and have a higher reverence for the altars of their religion, than for the counter in which you calculate your rents? Consider a little the relation in which the priest stands towards the peasant. I will take for my example an excellent landlord and an excellent priest. The landlord shall be Sir Edward O'Brien, and the priest shall be Mr. Murphy, of Corofin. Who is Sir Edward O'Brien? A gentleman who, from the windows of a palace, looks upon possessions almost as wide as those which his ancestors beheld from the summit of their feudal towers. His tenants pay him their rent twice a year, and have their land at a moderate rate. But what are his claims, when put into comparison with those of Mr. Murphy, of Corofin, to the confidence, to the affection, and to the fidelity of the peasants who are committed to his care? He is not only the minister of that humble altar at which their forefathers and themselves were taught to kneel, but he is their kind, their familiar, yet most respected friend. In their difficulties and distresses they have no one else to look to; he never fails, when consulted by them, to associate his sympathy with his admonition; for their sake he is ready to encounter every hazard, and, in the performance of the perilous duties incident to his sacerdotal office, he never hesitates to expose his life. In a stormy night, a knocking is heard at the door of the priest of Corofin. He is told that at the foot of the mountain a man of guilt and blood has scarcely more than an hour to live.

Will the teacher of the gospel tarry because of the rain and of the wind, and wait until the day shall break, when the soul of an expiring sinner can be saved, and the demons that are impatient for him can still be scared away? He goes forth in the blackness of the tempestuous midnight—he ascends the hill, he traverses the morass—and faint, and cold, and dripping, finds his way to the hovel where his coming is awaited;—with

what a gasping of inarticulate gratitude—with what a smile of agony is he welcomed! No fear of contagion, no dread of the exhalations of mortality, reeking from the bed of the pestilential man, can appall him, but, kneeling down at the side of the departing culprit, and sustaining him in his arms, he receives from lips, impregnated with death, the whisper with which the heart is unloaded of its mysteries, and, raising up his eyes to heaven, pronounces the ritual of absolution in the name of Him of whose commission of mercy he is the befitting bearer, and whose precepts he illustrates in his life and inculcates in his example. And can you feel wonder and resentment that under the influence of such a man as I have described to you, your dependents should have ventured upon a violation of your mandates? Forgive me if I venture to supplicate, on behalf of your tenants, for forbearance. Pardon them, in the name of one who will forgive you your offences in the same measure of compassion which you will show to the trespasses of those who have sinned against yourselves. Do not persecute these poor people: don't throw their children upon the public road, and send them forth to starve, to shiver, and to die. For God's sake, Mr. Fitzgerald, as you are a gentleman and a man of honor, interpose your influence with your friends, and redeem your pledge. I address myself personally to you. On the first day of the election you declared that you would deprecate persecution, and that you were the last to wish that vindictive measures should be employed. I believe you—and I call upon you to redeem that pledge of mercy, to perform that great moral promise. You will cover yourself with honor by so doing, in the same way that you will share in the ignominy that will attend upon any expedients of rigor. Before you leave this country to assume your high functions, enjoin your friends with that eloquence of which you are the master, to refrain from cruelty and not to oppress their tenants. Tell them, sir, that instead of busying themselves in the worthless occupation of revenge, it is much fitter that they should take the political condition of their country into their deep consideration. Tell them that they should address themselves to the legislature, and implore a remedy for these frightful evils. Tell them to call upon the

men, in whose hands the destiny of this great empire is placed to adopt a system of peace, and to apply to Ireland the great canon of political morality—*pacis imponere morem.* Let it not be imagined that any measure of disfranchisement, that any additional penalty, will afford a remedy. Things have been permitted to advance to a height from which they cannot recede. Protestants, awake to a sense of your condition. What have you seen during this election? Enough to make you feel that it is not a mere local excitation, but that seven millions of Irish people are completely arrayed and organized. That which you behold in Clare, you would behold, under similar circumstances, in every county in the kingdom. Did you mark our discipline, our subordination, our good order, and that tranquillity, which is formidable indeed? You have seen sixty thousand men under our command, and not a hand was raised, and not a forbidden word was uttered in that amazing multitude. You have beheld an example of our power in the almost miraculous sobriety of the people. Their lips have not touched that infuriating beverage to which they are so much attached, and their habitual propensity vanished at our command. Is it meet and wise to leave us armed with such a dominion? Trust us not with it; strip us of its appalling power; disarray us by equality; instead of angry slaves make us contented citizens; if you do not, tremble for the result.

SPEECH ON THE IRISH MUNICIPAL BILL.

IN THE HOUSE OF COMMONS, FEBRUARY 22, 1837.

THE right honorable baronet (Sir James Graham) began the speech, in many particulars remarkable, which he has just concluded amidst the applause of those whose approbation, at one period of his political life, he would have blushed to incur—by intimating that he was regarded as a "bigot" on this side of the house. Whether he deserved the appellation by which he has informed us that he is designated, his speech

to-night affords some means of determining. I will not call him a bigot—I am not disposed to use an expression in any degree offensive to the right honorable baronet, but I will presume to call him a convert, who exhibits all the zeal for which conversion is proverbially conspicuous. Of that zeal we have manifestations in his references to pamphlets about Spain, in his allusions to the mother of Cabrera, in his remarks on the Spanish clergy, and the practice of confession in the Catholic Church. I own that when he takes in such bad part the strong expressions employed in reference to the Irish Church, (expressions employed by Protestants, and not by Roman Catholics,) I am surprised that he should not himself abstain from observations offensive to the religious feelings of Roman Catholic members of this house. The right honorable baronet has done me the honor to produce an extract from a speech of mine, delivered nearly two years ago at the Coburg Gardens; and at the same time expressed himself in terms of praise of the humble individual who now addresses you. I can assure the right honorable baronet that I feel at least as much pleasure in listening to him, as he has the goodness to say that he derives from hearing me. He has many of the accomplishments attributed by Milton to a distinguished speaker in a celebrated council. He is "in act most graceful and humane—his tongue drops manna." I cannot but feel pride that he should entertain so high an opinion of me, as to induce him to peruse and collect all that I say even beyond these walls. He has spent the recess, it appears, in the diligent selection of such passages as he has read to-night, and which I little thought, when they were uttered, that the right honorable baronet would think worthy of his comments. However, he owes me the return of an obligation. The last time I spoke in this house, I referred to a celebrated speech of his at Cockermouth, in which he pronounced an eloquent invective against "a recreant Whig;" and as he found that I was a diligent student of those models of eloquence which the right honorable baronet used formerly to supply, in advocating the popular rights, he thought himself bound, I suppose, to repay me by the citation, which has, I believe, produced less effect than he had anticipated.

The right honorable baronet also adverted to what he calls "the Lichfield House compact." It is not worth while to go over the same ground, after I have already proved, by reading in the House the speech which has been the subject of so much remark—how much I have been misrepresented; I never said that there was a "compact;" I did say, and I repeat it, that there was "a compact alliance." Was that the first occasion on which an alliance was entered into? Was Lichfield House the only spot ever dedicated to political reconciliations? Has the right honorable baronet forgotten, or has the noble lord (Stanley) who sits beside him, succeeded in dismissing from his recollection, a meeting at Brookes's Club at which the Irish and English reformers assembled, and, in the emergency which had taken place, agreed to relinquish their differences and make a united stand against the common foe? Does the noble lord forget an admirable speech (it was the best post-prandial oration it was ever my good fortune to have heard) delivered by a right honorable gentleman who was not then a noble lord, and was accompanied by a vehemence of gesture and a force of intonation not a little illustrative of the emotions of the orator, on his anticipated ejectment from office? That eloquent individual, whom I now see on the Tory side of the House, got up on a table, and with vehement and almost appalling gesture, pronounced an invective against the Duke of Wellington, to which, in the records of vituperation, few parallels can be found. I shall not repeat what the noble lord then said.

Lord Stanley.—You may.

Mr. Sheil.—No; my object is not to excite personal animosities among new, but ardent friends. I have no malevolent motive in adverting to that remarkable occasion. If I have at all referred to it, it is because the right honorable baronet has been sufficiently indiscreet to talk of Lichfield House:—let him, for the future, confine himself to the recollections of Brookes's, instead of selecting as the subject of his sarcasms the meeting in which that reconciliation took place to which Ireland is indebted for the exclusion of the noble lord opposite, and his associates, from power. The right honorable baronet has been guilty of another imprudence: he has

charged Lord Mulgrave with the promotion of Mr. Pigot to a forensic office in Dublin Castle. Mr. Pigot's offence, it seems, consists in his having been a member of the Precursor Association. Does the right honorable baronet recollect where he sits in this house—with whom he is co-operating—with what party he and the noble lord opposite have entered into confederacy—when he makes matters of this kind the groundwork of imputation? Who were the first men selected for promotion by the Tories? To what association did they belong? Let the right honorable baronet look back, and behind him he will see the treasurer, the grand treasurer, of the Orange Association, whom the member for Tamworth appointed Treasurer of the Ordnance—when his sovereign placed him at the head of the government of his country. What are the offences of the National Association, when compared with the proceedings of the Orange Institution? Are our proceedings clandestine? Are figures and symbols resorted to by us? Have we tampered with the army, as the Orange Society has been convicted by a committee of this House of having done?

Colonel Perceval.—I deny that the Orange Society tampered with the army. I admit that such warrants were issued.

Mr. Sheil.—I will not dispute with the gallant colonel about a word. If the phrase "tampered" be objected to, I will adopt any word the gallant colonel will do me the favor to suggest, in order to express a notorious and indisputable fact. It was proved beyond all doubt, and even beyond all controversy, that the Orange Society made the utmost efforts to extend itself into the army; that a number of regimental warrants were issued, and that resolutions were actually passed, at meetings of the society, upon the subject. From this society, the gallant officer, who was one of its functionaries, was selected, in order to place him in the Ordnance; and a curious coincidence, having been treasurer to the Orange Institution, he was appointed to the same fiscal office in the Ordnance, to whose treasureship he was raised. How, then, can gentlemen be guilty of the imprudence of talking of Mr. Pigot's appointment—(he is a gentleman conspicuous for his talents and high personal character)—when their own party

made, within a period so recent, such an appointment as that to which I have reluctantly but unavoidably adverted.

But, sir, can we not discuss the great measure of municipal reform without descending to such small and transitory considerations as the selection of this or that man for office? Talk of Lord Mulgrave's government as you will, you cannot deny that his administration has been, beyond all example, successful. He has acted on the wise and obvious policy of adapting the spirit of his government to the feelings of the numerous majority of that Irish nation by whom he is respected and beloved. His measures have been founded on the determination to regard the rights of the many, instead of consulting the factious interests of the few; and, by the just and wise system on which he has acted, he has effected a complete reconciliation between the government and the people. You speak of his liberating prisoners from jails. I disdain even to advert, in reply, to the comments which have been made on this act of clemency by men who are naturally the advocates of incarceration. I meet these gentlemen with the broad fact, that the country has, under Lord Mulgrave's government, made a great progress towards that pacification which I make no doubt that, under his auspices, Ireland will attain.

Look to the county which I have the honor to represent, and which has been unhappily conspicuous for the disturbances of which it was once the scene. Mr. Howley, the assistant-barrister for that county—a gentleman whose authority is unimpeachable, and who, by his impartial conduct, his admirable temper, his knowledge, and his talents, has won the applause of all parties—states, in his charge delivered at Nenagh, that there is an end to the savage combats at fairs; and, in a return made by the clerk of the Crown for the county, it appears that, in every class of crime, there has been, within the last year, a most extraordinary diminution. This surely is better evidence than the assertions made in Tory journals, and adopted by gentlemen whose political interests are at variance with their amiable aspirations for the establishment of order in their country. But, sir, the most remarkable incident to the administration of my Lord Mulgrave has been, its effect

upon the great political question which, not very long ago, produced so much excitement in one country, and not a little apprehension in the other.

Without having recourse to coercive bills—without resorting to a single measure of severity—by impressing the people of Ireland with a conviction that he was determined to do them justice, Lord Mulgrave has laid the Repeal question at rest. It is, if not dead, at least deeply dormant; and although such a policy as that of the noble lord opposite would soon awaken or resuscitate it again, as long as the principles on which the government of Lord Mulgrave and of the noble lord the member for Yorkshire, Lord Morpeth, is carried on, are adhered to, so long you will find that the people of Ireland will remain in a relation not only of amity, but of attachment to the administration. It may be asked, how the good results of the policy I have been describing can affect the question before the House? Thus: the executive has, by its judicious measures, by adapting itself to the political condition of the country, and by its preference of the nation to a faction, completely succeeded. It has held out a model which the legislature ought to imitate. Let the parliament enact laws in the spirit in which the laws, even as they stand, have been carried into effect in Ireland. Let the good of the country, instead of the monopoly of a party, supply the standard by which parliament shall regulate its legislation; and to what the Irish government has so nobly commenced, a perfect and glorious completion will one day be given.

I turn from the consideration of those topics connected with the existing condition of affairs in Ireland, to the discussion of the broader ground on which the question ought to be debated. I ask you to do justice to Ireland. Every man in this house will probably say, that he is anxious to do Ireland justice; but what is justice to Ireland? It will assist us, in investigating that question, to determine, in the first place, what is justice to England? In this country the Corporation and Test Acts were always regarded as the muniments of the church; and corporations, through their effects, as its chief bulwarks. Mr. Canning was so strongly persuaded of this, that in 1827, while he declared himself the advocate of eman-

cipation, he announced his firm resolve to stand by the Protestant corporations, and not to consent to the repeal of the law which gave them their peculiar character, and connected them with the establishment. Those laws were, however, repealed by the member for Tamworth; he could not help repealing them; he then began to undergo that process of soft compulsion, in submitting to which he afterwards acquired those habits of useful complaisance—in which we shall furnish him with the strongest motives to persevere.

The Test and Corporation Acts having been repealed, still, through the machinery of self-election, the body of the people were deprived of the practical advantages which ought to have resulted from that repeal. The reformed House of Commons determined to place corporations under popular control. The Lords thought it imprudent to resist. No one was found bold enough to state that because a transfer of power would take place from the Tories to the Reformers, therefore corporations should be abolished. Take Liverpool as an example. A transfer of influence has taken place there, to such an extent that, very much to the noble lord's astonishment, his plan for the mutilation of the Word of God has been adopted in the schools under the superintendence of the corporations. Let us now pass to Ireland. I will admit, for the sake of argument, that corporations were established to protect the Protestant Church; they would thus rest on the same ground as the Test and Corporation Acts: the latter having been abandoned in England, and having been followed by corporate reform, the same reasons apply to the relinquishment of the principle of exclusion in Ireland, which is utterly incompatible with the ground on which Catholic Emancipation was acknowledged to have been conceded. What took place when Emancipation was carried? Was it intimated that we should be excluded from corporations? The direct contrary was asserted. "Roman Catholics (said the right honorable member for Tamworth, in the admirable speech in which he acknowledged the gentle violence by which the rights of Ireland were ravished from his reluctant coyness) Roman Catholics shall be admitted to all corporate offices in Ireland." This was strong; but he did more. In the bill framed under his superintendence, two

clauses were introduced providing for the admission of Catholics into corporations. Was the right honorable gentleman sincere? Did he intend that to the heart of Ireland, beating as it was with hope, the word of promise should be kept? Who can doubt it? Who can believe that the right honorable baronet would be capable of practising a delusion? What he did, he did unwillingly; but he did with honesty whatever he did. His act of enfranchisement was baffled in this regard, and, by a combination among corporators, Catholics were excluded. From that day to this, not a single Roman Catholic —not one—has been admitted into the corporations attached to the metropolis of our country.

I boldly ask the right honorable baronet whether he approves of this exclusion, and of the means by which it was effected? Was it not a fraud upon the law, by which, clearly and unequivocally, admission into corporations was secured to us? If it was intended that we should not have the benefit of Catholic Emancipation in this particular, it ought, in common candor, to have been told us; but to pass an act making us admissible—to allow seven years to pass, and permit the law to be frustrated in that interval—and then when a measure is brought forward in order to give us the advantage of that law, to destroy corporations lest we should be admitted—is not consistent with English fairness, with that honest dealing for which you are conspicuous, nor, let me add, with the personal character of the right honorable baronet. Ay, but the church may be injured. Why did you not think of that when emancipation was being carried? Why make your argument in favor of the church posterior to your legislation against it? I call on the right honorable baronet, not only in the name of justice to us, but in the name of his own dignity, as he would preserve that amity with himself which results from the consciousness of honest and noble dealing—I call on him to abandon his party, in adherence to his pledge; and if, between his politics and his integrity, he must make a choice, I know that he will not hesitate, for a moment, in making his election.

He fears an injury to the church. This church, by which a single object contemplated in a national establishment has never yet been attained—this church of yours is made the

burden of every speech by which the cause of Toryism is sought to be maintained; and to every project for the improvement of the country, and the assertion of the people's rights, is presented as an insuperable obstacle. When we call on you to abolish the fatal impost which keeps the country in a paroxysm of excitement, you cry out, "the Church!" When we bid you rescue the country from the frightful litigation which turns our courts of justice into an arena for the combat of the political passions, you cry out, "the Church!" And when we implore you to fulfill your contract at the Union, to redeem your pledge, given with Emancipation, to extend to us British privileges, and grant us British institutions, you cry out, "the Church!" The two countries must have the same church, and for that purpose, the two countries must not have the same corporations! They are incompatible; we must then elect between them; which shall we prefer—the church of one million, or the corporation of seven. What an argument do the auxiliaries of the Establishment advance, when they admit that the sacrifice of the national rights is necessary for its sustainment. But if this position be founded, wherefore was parliamentary reform ever conceded to us? Are we qualified to elect members of the House of Commons, but unfit to elect members of the Common Council? Are we unworthy of being the managers of our own local concerns—while here, in this great Imperial assembly, with the legislators of the British empire, with the arbiters of the destiny of the noblest nation in the world, we stand on a lofty level. Never was there any inconsistency comparable to this! I have a right to rise up here, and to demand justice for my country, as representative of the second county in Ireland; and I am unworthy of being a corporator of Cashel or of Clonmel. I may be told that the Tories resisted the extension of parliamentary reform to Ireland, and on the very grounds on which they oppose the application of corporate reform. I must acknowledge it: they did insist that the close boroughs of Ireland were intended as the bulwarks of the Protestant interest; they did contend that a Catholic ascendency would be the result of a parliamentary reform; and they urged with great zeal and strenuousness, that the demolition of the Established Church would be its inevitable consequence. In what a burst

of lofty eloquence did the noble lord, who now sits opposite, refute them! "What!" he exclaimed, "deny to Ireland the benefits of the reform you give to England—withhold from Ireland the advantages which, at the Union, you pledged yourselves to grant her! deny her a community in your privileges, and an equal participation in your rights! Then you may repeal the Union at once, for you will render it a degrading and dishonorable compact." But I do injustice to that admirable passage; and as the noble lord may have forgotten it, as his recollections may be as evanescent as his opinions, I think it better to read what, from memory, I have imperfectly referred to. The passage will be found in the 17th volume of the Mirror of Parliament, page 2288. He begins with a panegyric on the Irish members. We were agitators then, just as much as we now are; we held and professed exactly the same opinions; we had an association at full work, just as we now have; but the noble lord did not, at that time, think it judicious to appeal to passages to which he has since addressed himself. The passage runs thus:

"We have been told that the English bill does not in any case apply to Ireland, and that the circumstances of the two countries are different: but I am sure that honorable gentlemen will find that the principle of reform is the same, whether it is applied to England or Ireland; and if it be just here, so it must be there. I would entreat those who advocate the Conservative interest, and who consider themselves the supporters of Protestant institutions, to look to the danger to which these institutions will be exposed in Ireland by withholding the privileges which this bill is to confer. If they wish to give Ireland a real, solid, substantial grievance—if they wish to give some handle to excitement, and to present a solid argument for the repeal of the Union—they need only show that, in the British House of Commons, English interests are treated in one way, and Irish interests in another, that in England the government rule by free representation, and by the voice of the people—while in Ireland that voice is stifled, and the people are shut out from a fair share in the choice of their representatives. I fear that, if we do not concede in a spirit of fairness and justice, agitation will break out in a manner which it has never done before. I cannot conceive anything more clear than that the present measure is only the extension of the principle of the English bill to Ireland. I cannot conceive upon what principle we can refuse to place both countries on an equality, and make the same principle applicable to the election of all members of the united legislature of the British empire."

The House has heard this passage with surprise; and although every sentence that I have read has produced a sensation, there is not, in the entire, a sentiment which has called forth more astonishment than the reference made to the repeal of the Union, as a result of the denial of equal privileges to the English and to the Irish people. And here let me turn to the right honorable member for Cumberland, and ask him, what he now thinks of his expostulation with the Irish Attorney-General, on his assertion that injustice would furnish an argument for repeal? Did not his noble friend, when in office, when Secretary for Ireland, solemnly assert the same thing? I will read the passage again: "If they wish to give Ireland a real, solid, substantial grievance—if they wish to give some handle to excitement, and to present a solid argument for the repeal of the Union—they need only show that, in the British House of Commons, English interests are treated in one way, and Irish interests in another." This is nobly expressed; but, in the midst of our admiration of such fine sentiments, founded on such lofty principles, and conveyed in language at once so beautiful and perspicuous, what melancholy feeling, what mournful reflections arise! Alas! that the man who uttered what I have just read, who was capable of feeling and of expressing himself thus, in whom such a union of wisdom and eloquence was then exhibited—alas! that he should now be separated from his old associates, and that, united to his former antagonists, he should not only act on principles diametrically the reverse, but denounce his colleagues, and enter with the men whom he formerly represented as the worst enemies of his country into a derogatory league. But, not contented with joining them, in the transports of his enthusiasm he has gone beyond them; and on the first night of this debate, taking up the part of a prophet, when he had ceased to perform that of a statesman, he told the people of Ireland, in a burst of intemperate prediction, that never—no, never—should the municipal privileges, granted to the people of England, be extended to them.

Lord Stanley.—I never said so.

Mr. Sheil.—Then the noble lord has been grievously misrepresented. I acknowledge that I was not present when he

spoke, but I was told by several persons that he had stated that this measure never should be carried.

Lord Stanley.—I did not state that the measure never should be carried. I did state that the people of England would not yield to alarm and intimidation, and that the advocates of this measure were taking the worst means to effect their object. The honorable and learned gentleman confesses that he was not present when I spoke, and he should therefore be cautious in attributing to me the opinions which he has ascribed to me, in this attack which he has been making, knowing, as he does, that it is out of my power to reply.

Mr. Sheil.—When the noble lord denies the use of certain expressions, and disclaims the sentiment conveyed by them, I at once accede to his interpretation of what he said, or rather meant to say. The noble lord observes that I am making an attack on him, knowing that he has no reply. The noble lord is well aware, from experience, that whether he has a right to reply or not, I never have the least dread of him, and that on no occasion in this house, have I ever, in the performance of my duty to my country, shrunk from an encounter with him. He calls my speech an attack on him. I am not pronouncing a personal invective against the noble lord. I am not exceeding the limits of fair discussion, or violating either the ordinances of good breeding or the rules of this house. I am exhibiting the inconsistencies and incongruities of the noble lord, and stripping his opinions of any value which they may possess, by proving him, at a period not remote, to have acted on, and to have enforced, principles directly opposite to those of which he is now the intolerant advocate. This is the extent of my attack on him. He will, however, pardon me for suggesting to him, that, if I did assail him with far more acrimony than I am disposed to do, he is the last man in this house who ought to complain. Who is there that shows less mercy to a political adversary? Who is so relentless in the infliction of his sarcasms, even on his old friends and associates? However, I ought not to feel much surprise that he should be so sensitive as he shows himself to be: no man fears an operation so much as a surgeon, and the drummer of a regiment trembles at the lash.

But the noble lord mistakes: it is not any attack from me which he has cause to apprehend;—he bears that within his own bosom which reproaches him far more than I do. But, from his emotions, from his resentments, and from his consciousness, let us turn to something more deserving of regard, and consider how far it is probable that this measure can be successfully resisted. I wish to avoid all minacious intimations, and, therefore, I will not say that it must and shall be carried; but, adopting the calmer tone of deliberation, I entreat the noble lord opposite, and the House, to consider what the probabilities are which are connected with this question, and whether it is likely that the demand made by Ireland for justice can be long treated by any branch of the legislature with disregard.

I assert that Ireland, sustained as she is by the sympathies of a very large portion of the people of this country, must prevail in the cause in which her feelings are so deeply engaged, and on whose prosecution she is firmly and unalterably determined. I undertake to prove this proposition, and it will certainly be felt to be most important to consider whether it be just; for if men are once persuaded that this measure must ultimately be carried, they will feel that it is better to do, at once, what must be done at last, and that discussion ought to cease where necessity has begun to operate. I put the case of Ireland thus: if the Catholic millions, by their union, by their organization, by their associated power, carried their emancipation, what is the likelihood of their success in the pursuit of their present objects? If we forced the right honorable member for Tamworth to yield to us (a man not only of great eloquence in debate, but of great discretion, of great influence, free from ebullitions of intemperance, and whose personal character entitles him to the confidence of his party), shall we not now overcome any obstacles which the noble lord may present to our progress? Let him remember that our power is more than trebled, and if, contending with such disadvantages as we had to struggle with, we prevailed, —where are the impediments by which our career in the pursuit of what remains to be achieved for the honor of our country, shall be even long retarded? It behoves the noble

lord to look attentively at Ireland. Wherever we turn our eyes, we see the national power dilating, expanding, and ascending :—never did a liberated nation spring on in the career that freedom throws open towards improvement with such a bound as we have—in wealth, in intelligence, in high feeling, in all the great constituents of a state, we have made in a few years an astonishing progress.

The character of our country is completely changed : we are free, and we feel as if we never had been slaves. Ireland stands as erect as if she had never stooped ; although she once bowed her forehead to the earth, every mark and trace of her prostration have been effaced. But these are generalities—these are vague and abstract vauntings, without detail. Well—if you stand in need of specification, it shall be rapidly, but not inconclusively, given. But hold : I was going to point to the first law offices in the country, filled by Roman Catholics—I was going to point to the second judicial office in Ireland filled by a Roman Catholic—I was going to point to the crowds of Roman Catholics who, in every profession and walk of life, are winning their way to eminence in the walks that lead to affluence or to honor. But one single fact suffices for my purpose : emancipation was followed by reform, and reform has thrown sixty men, devoted to the interests of Ireland, into the House of Commons. If the Clare election was a great incident—if the Clare election afforded evidence that emancipation could not be resisted—look at sixty of us (what are Longford and Carlow but a realization of the splendid intimations that Clare held out?)—look, I say, at sixty of us—the majority, the great majority of the representatives of Ireland—leagued and confederated by an obligation and a pledge as sacred as any with which men, associated for the interests of their country, were ever bound together. Thank God, we are here !

I remember the time when the body to which I belong were excluded from all participation in the great legislative rights of which we are now in the possession. I remember to have felt humiliated at the tone in which I heard the cause of Ireland pleaded, when I was occasionally admitted under the gallery of the House of Commons. I felt pain at hearing us

represented as humble suppliants for liberty, and as asking freedom as if it were alms that we were soliciting. Perhaps that tone was unavoidable: thank God, it is no longer necessary or appropriate. Here we are, in all regards your equals, and demanding our rights as the representatives of Britons would demand their own. We have less eloquence, less skill, less astuteness than the great men to whom, of old, the interests of Ireland were confided; but we make up for these imperfections by the moral port and national bearing that become us. In mastery of diction we may be defective; in resource of argument we may be wanting; we may not be gifted with the accomplishments by which persuasion is produced; but in energy, in strenuousness, in union, in fidelity to our country and to each other, and above all, in the undaunted and dauntless determination to enforce equality for Ireland, we stand unsurpassed. This, then, is the power with which the noble lord courts an encounter, foretells his own victories, and triumphs in their anticipation in the House of Commons. Where are his means of discomfiting us? To what resources does he look for the accomplishment of the wonders which he is to perform? Does he rely upon the excitement of the religious and national prejudices of England; and does he find it in his heart to resort to the "no Popery" cry? Instead of telling him what he is doing, I'll tell the country what, thirty years ago, was done.

In 1807, the Whigs were in possession of Downing Street, and the Tories were in possession of St. James's Palace; but, without the people, the possession of St. James's was of no avail. The Whigs proposed that Roman Catholics should be admitted to the higher grades in the army and navy. The Tories saw that their opportunity was come, and the "no Popery" cry was raised. There existed, at that time, a great mass of prejudice in England. You had conquered Ireland and enslaved her; you hated her for the wrongs that you had done her, and despised her, and perhaps justly, for her endurance: the victim of oppression naturally becomes the object of scorn: you loathed our country, and you abhorred our creed. Of this feeling, the Tories took advantage; the tocsin of fanaticism was rung; the war-whoop of religious discord,

the savage yell of infuriated ignorance, resounded through the country. Events that ought to have been allowed to remain buried in the oblivion of centuries, were disinterred; every misdeed of Catholics, when Catholics and Protestants imbrued their hands alternately in blood, was recalled—the ashes of the Smithfield fires were stirred, for sparks with which the popular passions might be ignited.

The re-establishment of Popery—the downfall of every Protestant institution—the annihilation of all liberty, civil or religious, these were the topics with which crafty men, without remorse of conscience, worked on the popular delusion. At public assemblies, senators, more remarkable for Protestant piety than Christian charity, delivered themselves of ferocious effusions amidst credulous and enthusiastic multitudes—then came public abuses, at which libations to the worst passions of human nature were prodigally poured out. "Rally round the King, rally round the church, rally round the religion of your forefathers"—these were the invocations with which the English people were wrought into frenzy; and having, by these expedients, driven their antagonists from office, the Tories passed, themselves, the very measure for which they made their competitors the objects of their denunciation. Are you playing the same game? If you are, then shame, shame upon you! I won't pronounce upon your motives: let the facts be their interpreters. What is the reason that a new edition of Fox's Martyrs, with hundreds of subscribers, and with the name of the Duke of Cumberland at their head, has been announced? Wherefore, from one extremity of the country to the other, in every city, town, and hamlet, is a perverse ingenuity employed, in order to inspire the people of this country with a detestation of the religion of millions of their fellow-citizens? Why is Popery, with her racks, her tortures, and her fagots, conjured up in order to appal the imagination of the English people? Why is perjury to our God—treason to our sovereign—a disregard of every obligation, divine and human, attributed to us? I leave you to answer those questions, and to give your answers, not only to the interrogatories which thus vehemently, and, I will own, indignantly I put to you, but to reply to those which must be administered to you, in

your moments of meditation, by your own hearts. But, whatever be your purpose in the religious excitement which you are endeavoring to get up in this country, of this I am convinced—that the result of your expedients will correspond with their deserts, and that as we have prevailed over you before, we shall again and again discomfit you. Yes, we, the Irish millions, led on by men like those that plead the cause of those millions in this House, must (it is impossible that we should not) prevail; and I am convinced that the people of England, so far from being disposed to array themselves against us, despite any remains of the prejudices which are fast passing away in this country, feel that we are entitled to the same privileges, and extend to us their sympathies in this good and glorious cause.

What is that cause? I shall rapidly tell you. You took away our parliament—you took from us that parliament which, like the House of Commons of this country, must have been under the control of the great majority of the people of Ireland, and would not, and could not, have withheld what you so long refused us. Is there a man here who doubts that if the Union had not been conceded, we should have extorted Emancipation and Reform from our own House of Commons? That House of Commons you bought, and paid for your bargain in gold! ay, and paid for it in the most palpable and sordid form in which gold can be paid down. But, while this transaction was pending, you told us that all distinctions should be abolished between us, and that we should become like unto yourselves. The great minister of the time, by whom that unexampled sale of our legislature was negotiated, held out equality with England as the splendid equivalent for the loss of our national representation; and, with classical references, elucidated the nobleness of the compact into which he had persuaded the depositants of the rights of their countrymen to enter. The act of Union was passed, and twenty-nine years elapsed before any effectual measure was taken to carry its real and substantial terms into effect.

At last, our enfranchisement was won by our own energy and determination; and, when it was in progress, we received assurances that, in every respect, we should be placed on a

footing with our fellow-citizens; and it was more specially announced to us, that to corporations, and to all offices connected with them, we should be at once admissible. Pending this engagement, a bill is passed for the reform of the corporations of this country; and in every important municipal locality in England, councillors are selected by the people as their representatives. This important measure having been carried here, the Irish people claim an extension of the same advantages; and ground their title on the Union, on Emancipation, on Reform, and on the great principle of perfect equality between the two countries, on which the security of one country and the prosperity of both must depend. This demand, on the part of Ireland, is rejected; and that, which to England no one was bold enough to deny, from Ireland you are determined, and you announce it, to withhold. Is this justice? You will say that it is, and I should be surprised if you did not say so. I should be surprised, indeed, if, while you are doing us wrong, you did not profess your solicitude to do us justice.

From the day on which Strongbow set his foot upon the shore of Ireland, Englishmen were never wanting in protestations of their deep anxiety to do us justice:—even Strafford, the deserter of the people's cause—the renegade Wentworth, who gave evidence in Ireland of the spirit of instinctive tyranny which predominated in his character—even Strafford, while he trampled upon our rights, and trod upon the heart of the country, protested his solicitude to do justice to Ireland. What marvel is it, then, that gentlemen opposite should deal in such vehement protestations? There is, however, one man, of great abilities, not a member of this House, but whose talents and whose boldness have placed him in the topmost place in his party—who, disdaining all imposture, and thinking it the best course to appeal directly to the religious and national antipathies of the people of this country—abandoning all reserve, and flinging off the slender veil by which his political associates affect to cover, although they cannot hide, their motives—distinctly and audaciously tells the Irish people that they are not entitled to the same privileges as Englishmen; and pronounces them, in any particular which could

enter his minute enumeration of the circumstances by which fellow-citizenship is created, in race, identity, and religion—to be aliens—to be aliens in race—to be aliens in country—to be aliens in religion.

Aliens! good God! was Arthur, Duke of Wellington, in the House of Lords, and did he not start up and exclaim, "Hold! I have seen the aliens do their duty?" The Duke of Wellington is not a man of an excitable temperament. His mind is of a cast too martial to be easily moved; but notwithstanding his habitual inflexibility, I cannot help thinking that when he heard his Roman Catholic countrymen (for we are his countrymen) designated by a phrase as offensive as the abundant vocabulary of his eloquent confederate could supply—I cannot help thinking that he ought to have recollected the many fields of fight in which we have been contributors to his renown. "The battles, sieges, fortunes that he has passed," ought to have come back upon him. He ought to have remembered that, from the earliest achievement in which he displayed that military genius which has placed him foremost in the annals of modern warfare, down to the last and surpassing combat which has made his name imperishable—from Assaye to Waterloo—the Irish soldiers, with whom your armies are are filled, were the inseparable auxiliaries to the glory with which his unparalleled successes have been crowned. Whose were the arms that drove your bayonets at Vimiera through the phalanxes that never reeled in the shock of war before? What desperate valor climbed the steeps and filled the moats of Badajos? All his victories should have rushed and crowded back upon his memory—Vimiera, Badajos, Salamanca, Albuera, Toulouse, and, last of all, the greatest——. Tell me, for you were there—I appeal to the gallant soldier before me (Sir Henry Hardinge,) from whose opinions I differ, but who bears, I know, a generous heart in an intrepid breast; tell me, for you must needs remember—on that day when the destinies of mankind were trembling in the balance—while death fell in showers—when the artillery of France was levelled with a precision of the most deadly science—when her legions, excited by the voice, and inspired by the example of their mighty leader, rushed again and again to the onset—tell

me if, for an instant, when to hesitate for an instant was to be lost, the "aliens" blenched? And when at length the moment for the last and decisive movement had arrived, and the valor which had so long been wisely checked, was at last let loose—when, with words familiar, but immortal, the great captain commanded the great assault—tell me, if Catholic Ireland, with less heroic valor than the natives of this your own glorious country, precipitated herself upon the foe? The blood of England, Scotland, and of Ireland, flowed in the same stream, and drenched the same field. When the chill morning dawned, their dead lay cold and stark together;—in the same deep pit their bodies were deposited—the green corn of spring is now breaking from their commingled dust—the dew falls from heaven upon their union in the grave. Partakers in every peril—in the glory shall we not be permitted to participate; and shall we be told, as a requital, that we are estranged from the noble country for whose salvation our life-blood was poured out?

SPEECH ON THE IRISH ARMS BILL,

IN THE HOUSE OF COMMONS, MAY 19, 1843.

If I were convinced that the Arms Bill, even in its present most obnoxious shape, was necessary for the repression of crime, I should reluctantly indeed, but strenuously, sustain it; but of its utter inefficiency for the attainment of that legitimate purpose, in which it is obligatory upon us all to concur, I am thoroughly persuaded. It is not to the want of an Arms Bill such as this, it is to the imperfect, I am almost justified in calling it the impotent administration of justice, that the atrocities, by which certain districts in Ireland are unfortunately characterized, are to be ascribed. In the county of Tipperary the prosecutions at the assizes are begun, conducted, and terminated in such a manner as to secure impunity to crime. How has it come to pass, that the offences

which fall within the jurisdiction of the assistant-barrister, and are prosecuted by the local solicitor, have so signally diminished? I attribute that remarkable decrease to two causes; first, to the high judicial qualities, the talent, the firmness, the impartiality which has won the confidence of all parties, by which Mr. Howley, the assistant-barrister, is distinguished; and in the next place, to the signal usefulness of the local solicitor for the Crown, (Mr. Cahill,) who unites with great ability a perfect knowledge of the country; has the best opportunities of ascertaining every incident connected with the cases in which he is concerned; is well acquainted with the character of every witness for the prosecution and the defence; never puts innocence in peril; and never permits ruffianism to escape. But while minor violations of the law are prosecuted with so much effect, what course is taken at the assizes? I beg most distinctly to state that nothing can be more remote from my intention than to speak in the language of personal depreciation of Mr. Kemmis, the Crown solicitor for the Leinster circuit, or to suggest that a local solicitor should be employed in his place, without adding, that he should receive for any loss he may sustain the most ample compensation. But granting him to possess the highest professional qualifications, I have no hesitation at the same time in stating that the business of the Crown cannot be efficiently carried on by a legal absentee, who knows nothing of the county, is utterly ignorant of the witnesses produced for or against the Crown, is utterly unable, not from any want of capacity, but from his position, to suggest or advise the means by which truth can be substantiated, and falsehood can be confuted, is hurried from one assize town to another, and must get up his briefs with inevitable precipitation, for the information of counsel, who are opposed by the most skillful advocates, aided by a local solicitor for the defence, by whom every imaginable expedient for the frustration of the Crown is employed. It is obvious that, under this system, you give to crime advantages incalculably great. Another suggestion I shall, from a sense of duty—from my solicitude for the public tranquillity—venture to make. You resort to informers, and you pay them largely for their corrupt contribution to the enforcement of the law, but to

honest witnesses adequate protection is not given. Some years ago the house of a person of the name of Crawford was attacked, and he was beaten almost to death. He was afraid to prosecute. He lived in my neighborhood. I obtained from the government an undertaking that he and his family should be sent to one of the colonies, and should be provided for. He was prevailed on to prosecute, and justice was done, and a most useful example made. If you will pledge yourselves to protect the witnesses for the Crown, by enabling them to emigrate, and by compensating them for the loss of their country, you will effect much more than by the unconstitutional proceeding which I am aware your high partisans invite you to adopt. It would be far more befitting in the landed proprietors to attend at the assizes, and perform their duty on criminal trials, than to call for a violation of a great public right. If there is a special commission got up with parade, and attended by the Attorney-General, with a retinue of counsel, the chief gentlemen of the county do not think it inconsistent with their dignity to act on the petty jury; but at the assizes, though the crimes to be prosecuted are of the same class, the juries are wholly different. The petty jury is considered an ungenteel and low concern; the balance in which human life is trembling is committed to coarser and less aristocratic sustainments, and complaints are afterwards made of the constitution of juries by the very men who vote it, what they call, in their familiar parlance, a "bore" to attend. There is nothing which I more strongly deprecate than the setting aside of juries by the Crown, except for the clearest and most indisputable reasons, but, on the other hand, I do think that the attendance of Roman Catholics and Protestants, of station and influence, on the criminal jury, should be enforced, and that, if necessary, fines of £500 or £600 should be imposed upon them. The utmost care should of course be taken that the juries should not be exclusive, and that no ground for imputation should be afforded; but that precaution being adopted, it is clear that the verdicts found by that class of men, whether of acquittal or of condemnation, would meet the general sanction. I am very well aware that the gentry of the country will be very adverse to this proposition; but they should bear in

mind how large a stake they have in the tranquillity of the country, which will be far better promoted by these means than by an Arms Bill, which will take from honest men the means of defence, and will not deprive the turbulent and the lawless of the means of aggression. When murder becomes lucrative, it is not easy to deprive the assassin of the tools of his profitable trade. If you could succeed in depriving him of his more noisy implements of death, you would but teach him to substitute a more silent but not less efficacious weapon: but you cannot frame a law which he will not readily evade. The wretch who is not appalled at murder will not tremble at an Arms Bill—your penalties of ten or twenty pounds will be scorned by men who put existence into habitual peril. These are among my reasons for thinking that the Arms Bill will not be in any degree conducive to the purpose it has ostensibly in view, while by its enactment, without obtaining any counter-vailing benefit, you commit a manifest trespass upon one of the chief constitutional rights which the bill, deriving its designation from those rights, has received.

But my main objection to this bill is founded upon the distinction which it establishes between England and Ireland. "Repeal the Union—restore the Heptarchy!" Thus exclaimed George Canning, and stamped on the floor of this house as he gave utterance to a comparison in absurdity, which has been often cited. But that exclamation may be turned to an account, different from that to which it is applied. Restore the heptarchy—repeal the union. Good. But take up the map of England, and mark the subdivisions into which this your noble island was once distributed, and then suppose that in this assembly of wise men—this Imperial Parliament—you were to ordain that there should be one law in what once was the kingdom of Kent, and another in what once was the kingdom of Mercia—that in Essex there should be one municipal franchise, and in Sussex there should be another; that among the East Angles there should be one parliamentary franchise, and in Wessex there should be another; and that while through the rest of the island the Bill of Rights should be regarded as the inviolate and inviolable charter of British liberty, in the kingdom of Northumberland, an Arms Bill, by which the ele-

mentary principles of British freedom should be set at nought, should be enacted—would you not say that the restoration of the heptarchy could scarcely be more preposterous?

What a mockery it is, what an offence it is to our feelings, what an insult to the understanding it is to expatiate upon the advantages of the Union, and bid us rejoice that we are admitted to the great imperial co-partnership in power, while you are every day making the most odious distinctions between the two countries, establishing discriminating rights which are infinitely worse than discriminating duties, and furnishing the champions of Repeal with pretences more plausible, for insisting that if for England and for Ireland different laws are requisite, for Ireland and for England different lawgivers are required. My chief, my great objection to this measure is, that it is founded upon the fatal policy to which Englishmen have so long adhered, and from which it is so difficult to detach them, of treating Ireland as a mere provincial appurtenance, instead of regarding her as part and parcel of the realm. You are influenced by a kind of instinct of domination, which it requires no ordinary effort of your reason to overcome.

I do not think that by Englishmen an Arms Bill like this would be endured. That observation does not rest on mere conjecture; in the year 1819, this country was in a most perilous condition. It appeared from a report made by a secret committee of which the present Lord Derby was the chairman, that large bodies of men were trained to the use of arms in the dead of the night, in sequestered places; that a revolutionary movement, to be accomplished by disciplined insurrection, was contemplated, and that revolt was organized for war. In this state of things an English Arms Bill, one of the Six Acts, was proposed. Lord Castlereagh was then leader of the House of Commons, but although he had served his apprenticeship in Ireland—although he had dissected in Ireland before he attempted to operate in England; and although his hand was peculiarly steady, and he was admitted on all hands not to be destitute of determination, still he did not think it prudent to propose for England such a bill as for Ireland you have thought it judicious to introduce. There is the English

Arms Bill of 1819. It is comprised in a single page; look at it; the ocular comparison will not be inappropriate; here is the Irish Arms Bill, a whole volume of coercion, in which tyranny is elaborated in every possible diversity of form which it was possible to impart to it.

In the English Arms Bill no penalty whatever was inflicted for the possession of arms: in your Arms Bill, an Irishman can be transported for seven years for having arms in his possession. But although the English Arms Bill was moderate when compared with the Irish, yet Lord Grey denounced it in the House of Lords. In the House of Commons, Mr. Henry Brougham exclaimed: "Am I an Englishman?. for I begin to doubt it, when measures so utterly abhorrent from the first principles of British liberty are audaciously propounded to us?" That great orator then proceeded to offer up an aspiration that the people would rise up in a simultaneous revolt and sweep away the government by which a great sacrilege upon the constitution had been perpetrated. What would he have said—how would Lord Castlereagh have been blasted by the lightning and appalled by the thunder of his eloquence if a bill had been brought forward, under which the blacksmiths of England should be licensed, under which the registry of arms was made dependent on a bench of capricious magisterial partisans, under which an Englishman might be transported for seven years, for exercising the privilege secured to him by the Bill of Rights; and every pistol, gun, and blunderbuss was to be put through that process of branding, the very motion of which, in 1831, made by the noble lord opposite, the Secretary for the Colonies, the then Secretary for Ireland, produced an outburst of indignation. It is said that this bill has nothing new. That is a mistake—it contains many novelties in despotism, many curiosities in domination. My friend the member for Rochdale has pointed them out. But supposing that everything was old in this bill, does not your defence rest on a perseverance in oppression, on that fatal tenacity with which you cling to a system, to which your experience should tell you that it is folly to adhere? This bill, it was observed by the noble lord the Secretary for Ireland, was found, in 1807, in the portfolio of the Whig Secre-

tary. The Whigs had prepared a measure of coercion and of relief. The Tories turned them out on the measure of relief, and of the measure of coercion took a Conservative care.

The Secretary for Ireland stated that the first Arms Bill was introduced in 1807 by Sir Arthur Wellesley! The transition which has taken place from Sir Arthur Wellesley—from the official of Dublin Castle to the warrior, by whose fame the world is filled—is not greater than the transition of the country which gave him birth, from enslaved and degraded to enfranchised and liberated Ireland, who has grown too gigantic for your chains, and dilated to dimensions which your fetters will no longer fit. But although the project of an Arms Bill was unfortunately found in the Whig portfolio, that measure was condemned at the time by some of the most distinguished members of that great party. Hear what Sir Samuel Romilly says of the measure in his diary. In speaking of the Insurrection Act and the Arms Bill, which he regarded as near akin, he says (vol. vi., p. 214):

"The measure appeared to me so impolitic, so unjust, and likely to produce so much mischief, that I determined, if any person divided the House, to vote against it. I did not speak against the bill; that it would pass, whatever might be said against it, I could not doubt; and therefore thought that to state my objections against it, could have no other effect than to increase the mischief which I wished to prevent. What triumphant arguments will this bill, and that which is depending in the House for preventing the people having arms, furnish the disaffected with in Ireland? What laws more tyrannical could they have to dread, if the French yoke were imposed on them? To adopt such a measure at a moment like the present, appears to me to be little short of madness. Unfortunately the measure had been in the contemplation of the late ministry. They had left a draft of the bill in the Secretary of State's office, and they were now ashamed to oppose, what some of themselves had thought of proposing. The Attorney and Solicitor of Ireland had approved of the bill, but Pigot and myself had never heard that such a matter was in agitation, till it was brought into the House, by the present ministers."

Such was the opinion of Sir Samuel Romilly; in the judgment of the majority of this House, as it is at present constituted, that opinion may have no weight, but I am able to refer to the authority of a distinguished statesman, who is at this moment in the full fruition of the confidence of parliament. That eminent person stated that—

"The speaker asked what was the melancholy fact? That scarcely one year had at any period elapsed since the Union during which Ireland was governed by the ordinary course of law; that in 1800 we found the Habeas Corpus Act suspended, and an act for the suppression of rebellion in force; that in 1801 it was continued; in 1802 it expired; in 1803 disturbances occurred, and Lord Kilwarden was murdered by a savage mob; that in 1804 the act was renewed; in 1806 disorders arose, and the Insurrection Act was introduced in consequence; in 1810 and 1815 the Insurrection Act was renewed; and in 1825 an act was passed for the suppression of dangerous associations, and particularly of the Catholic Association: in 1826 the act was continued, and in 1827 it expired; and after this enumeration of acts of impolicy and injustice he asked, 'Shall this state of things continue without an effort to remedy it?'"

Who was it that spoke these words? Were they spoken by Henry Brougham? Were they spoken by Lord John Russell? No:—the man that gave utterance to these words was no less a person than the First Lord of the Treasury, Sir Robert Peel, the ruler in some sort of this great and majestic empire; it was by him that the policy, with which this very measure is connected, was virtuously and vehemently denounced. The speech to which I have referred was spoken in 1829, before Catholic Emancipation was actually passed, it was, indeed, the speech in which the whole plan of emancipation was propounded.

But if the policy, thus strenuously condemned by the Prime Minister, was deserving of censure before the great measure of Catholic enfranchisement, is it not in the highest degree incongruous, is it not indeed monstrous on the part of the government, of which that right honorable gentleman is the head, to propound the very measure which had been the ob-

ject of his almost unqualified condemnation? But I shall be told that the predictions made by the Roman Catholic leaders have been falsified, and that they have themselves done their utmost to prevent the fulfillment of their prophecies. [Hear, hear!] You say "hear, hear;" but your derisive cheering is inappropriate. If Roman Catholic Emancipation had been carried, when the Catholic clergy could have been connected by what Mr. O'Connell called a golden link, with the state, those predictions would, in all likelihood, have been fulfilled, but when you yourselves permitted Emancipation to be, I will not say extorted, but won from you by the means through which it was obtained, what results would you have reasonably anticipated, but those to which you have yourselves most essentially contributed? How could you expect that seven millions of your fellow-citizens could by possibility acquiesce in an institution against which reason and justice concurrently revolt? How could it be expected that after Emancipation, when England was agitated by the Reform question, Ireland should remain passive and apathetic, and should not demand a redress of those grievances, which pressed upon her far more heavily than any abuse connected with your former parliamentary system? And now, when from morn till night, and from night till morn, Englishmen cry out that the Union must be maintained, how can any one of you imagine that we shall not insist that the principles upon which the Union was founded, should be carried into effect, and that all odious distinctions between the two countries shall be abolished? You think that the Repealers of Ireland are conspicuously in the wrong; are you sure that you are yourselves conspicuously in the right?

Passing over the questions connected with the Established Church, questions which are dormant, but not dead, and which I have not the slightest doubt that your impolicy will revive, I ask you, whether in the course pursued in the Municipal Bill you have evinced a just desire to place England and Ireland upon a level? Was the language employed by the noble and learned lord, who has the conscience of the sovereign in his keeping, and which is fresh in the memory of the Irish people, calculated to reconcile us to the legislative dominion

of this country? You withheld the Municipal Bill as long as with safety you could deny it to us, and when at last you were forced to yield, you still adhered to your old habit of distinctinction—you created a different franchise for the two countries, and although you gained nothing whatever for your party in the result, and were completely baffled, as I told you you would beyond all doubt be, you left in the Municipal Bill an envenomed sting behind. But let us turn to the other instances, in which your dispositions towards Ireland are too faithfully exemplified. Let us turn to the registration of votes, from the registration of arms. Where is your Registration Bill? I am putting to you the question which, three years ago, was put again and again to the Whig Government by their antagonists. "Where is the Registration Bill?" cried Mr. Baron Lefroy? "Where is the Registration Bill?" cried Mr. Jackson, now a judge of the Common Pleas. "Where is the Registration Bill?" cried Mr. Litton, now a Master in Chancery. But more loudly and more vehemently than all the rest—"Where, where is the Registration Bill?" cried the noble lord, the Secretary for the Colonies. Not a month, not a week, not a day was to be lost in the judgment of the anxiously impatient lord. The Whigs brought in a bill, and gave a liberal definition of the franchise; their object was to establish a constituency commensurate with the wealth, and the intelligence, and in some degree with the numbers of the Irish people. The measure was defeated; and the noble lord, who was possessed at the time with a passion for legislating for the Irish people, provided a bill at the close of 1841, by which the independence of the people of Ireland would have been totally unprotected, and of which the bare proposal has done more to advance the cause of Repeal than all the speeches which the member for Cork (Mr. O'Connell) had ever delivered upon the subject. Parliament was dissolved, a new parliament was elected, and a Tory ministry was the result. As soon as the Tories were fully installed in office, it was but natural to ask them the question which they had put so often, "Where is the Registration Bill?" Some vague intimation was given that the government would bring forward a measure in the course of the session. In the course of the session, the Long-

ford committee excluded Mr. White from parliament, but at the same time reported, that the law was so doubtful, had led to more contrary decisions, and had been the subject of so much contention among the Irish judges, that it was incumbent on the government to settle the question, and to bring in a declaratory act; still nothing was done in 1842. At the commencement of the present session, the Secretary for the Home Department was asked what he meant to do, in reference to the Registration Bill, the eternal Registration Bill? He answered, "Oh, we will first proceed with the English Registration Bill." But for the English Registration Bill there was no urgent necessity—there was no pretence whatever for giving the English precedence over the Irish measure. Well, the English Registration Bill is brought in and passed, and then the question is renewed, "Where is the Irish Registration Bill?" And to that question what reply was given? Oh, we must first bring in the Irish Arms Bill. Thus, notwithstanding the reiterated demand for the Irish Registration Bill made by the Tories themselves when out of office, notwithstanding the report of the Longford Election Committee, notwithstanding the repeated engagements to bring the measure forward, not only is not that measure produced, but to the Arms Bill, to this outrage upon the just principles of liberty, the bill declaratory of the parliamentary franchise of the people of Ireland is postponed. And on what ground has this precedence of the Arms Bill been maintained? wherefore is it that everything is to be postponed to an Arms Bill?

The Secretary for Ireland tells us, that order must be asserted before freedom is conferred, that crime must be repressed, and that the "thirst for arms," that was his expression, must be repressed. The thirst for arms! There is another thirst, for which you have taken care to provide. Have you, who profess yourselves to be guardians of the national morality, manifested an uniform and undeviating solicitude for the virtue of the people over whom you are appointed to watch? Despite of every remonstrance, notwithstanding the most earnest expostulation, did you not persist in the enactment of a financial measure, which has given the strongest stimulant to crime, and has already produced some of the

most deleterious effects which, it was foretold, would be inevitably derived from it. You know full well, that the most frightful crimes which have been perpetrated in Ireland, have had their origin in those habits of intoxication, which the Evangelist of Temperance, if I may so call him, had so effectually restrained, until the Chancellor of the Exchequer had determined to counteract his noble efforts. Every private still is a hot-spring, from which atrocity gushes up, and supplies those draughts of fire, with which ferocious men madden themselves to murder, and drive away every sentiment of humanity and of remorse, and surrender themselves to the demon that takes possession of their hearts. And yet you talk to us of the necessity of suppressing crime being paramount to every other consideration, and of the "thirst for arms," and deal in all that false sentimentality, with which the real purpose by which you are actuated, is so thinly and imperfectly disguised.

It is not wonderful that when such is the spirit in which you legislate for Ireland, that the people of Ireland, weary of and disgusted with your unfairness and incapacity, should demand the restitution of their parliament, and insist upon the right of governing themselves. And how has the First Lord of the Treasury met the requisition for self-government, which the Irish people had preferred to him? He came down to the House with a well meditated reply to the question put to him by the noble lord, (Lord Jocelyn,) and referring to the answer of King William the Fourth, in which that monarch expressed himself opposed to the Repeal of the Union, stated her Majesty's coincidence with that opinion, but omitted the conciliatory assurances with which that opinion was accompanied. I am very far from believing that the right honorable baronet, as has been imputed to him, intended, by a reference to his sovereign, to produce any refrigeration in the feelings of warm attachment which the people of Ireland entertain towards their beloved sovereign; I think, that as he appealed in the name of the parliament to their fears, he appealed in the name of their sovereign to the affections of the Irish people. For my own part, as long as I shall be permitted to refer to a document which has become a part of history, I never shall

object to any reference to the opinions of my sovereign with regard to Ireland. I hold in my hand a letter written by Lord John Russell to Lord Normanby, by the command of his sovereign, on her accession to the throne. That letter is in the following words:

"WHITEHALL, July 18, 1837.

"MY LORD: In confiding again to your Excellency the important charge of administering the affairs of Ireland in her Majesty's name, the Queen has commanded me to express to your Excellency her Majesty's entire approbation of your past conduct, and her desire that you should continue to be guided by the same principles on which you have hitherto acted.

"The Queen willingly recognizes in her Irish subjects a spirit of loyalty and devotion to her person and government.

"Her Majesty is desirous to see them in the full enjoyment of that civil and political equality which, by a recent statute, they are fully entitled to, and her Majesty is persuaded that when invidious distinctions are altogether obliterated, her throne will be more secure and her people more truly united.

"The Queen has seen with satisfaction the tranquillity which has lately prevailed in Ireland, and has learned with pleasure that the general habits of the people are in a state of progressive improvement arising from their confidence in the just administration of the power of government.

"I am commanded by her Majesty to express to you her Majesty's cordial wishes for the continued success of your administration; and your Excellency may be assured that your efforts will meet with firm support from her Majesty.

"The Queen further desires that you will assure her Irish subjects of her impartial protection. JOHN RUSSELL."

Such was the language dictated by the young Queen of England to her minister. She had read the history of Ireland—she had perused (and in the perusal was not, I am sure, unmoved) the narrative of oppression and woe; she knew that for great wrongs a great compensation was due to us; she felt more than joy at witnessing the blessed fruits which had resulted from the first experiment in justice, and she charged her minister to express her deep solicitude for the welfare of the people of Ireland. Never did a sovereign impose upon a minister a more pleasurable office. With what admiration, with what a sentiment of respectful and reverential admiration

must he have looked upon that young and imperial lady, when, in the fine morning of her life, and in the dawn of her resplendent royalty, he beheld her with the most brilliant diadem in the world glittering upon her smooth and unruffled forehead, with her countenance beaming with dignified emotion, and heard her, with that voice which seems to have been given to her for the utterance of no other language than that of gentleness and of mercy, giving expression to her affectionate and lofty sympathy for an unfortunate, but a brave, a chivalrous, and for her an enthusiastically loyal and unalterably devoted people. How different a spectacle does Ireland now present from that which it then presented to the contemplation of her sovereign! She cannot be insensible to the change. In return for your stern advice to your sovereign, did you not receive a reciprocal admonition; and did she not tell you, or did not your own conscience tell you to look on Ireland, and to compare her condition under a Whig and Conservative administration?

But it is not with Whig policy alone that your policy should be compared; your own policy in a country more fortunate than ours furnishes almost an appropriate matter of adjuration. Why do you tell me, in the name of common consistency and plain sense, wherefore do you adopt in Canada a policy so utterly opposite from that which in Ireland it is your and our misfortune that you should pursue? From a system so diametrically opposed, how can the same results be expected to follow? In Canada, under the old colonial rule, there prevailed a strong addiction to democracy, a leaning towards the great republic in their vicinage, a deep hatred of England, and a spirit which broke at last into a sanguinary and exceedingly costly rebellion. You had the sound feeling and the sound sense to open your eyes at last to the series of mistakes, which successive governments had committed with regard to Canada; your policy was not only changed but revolutionized; you abandoned the "family compact;" you placed the government in sympathy with the people, and you raised to office men who had been pursued to the death, and conferred honors upon those to whom decapitation, had they been arrested, would at one period have been awarded. The result

has been what all wise men had anticipated and what all good men had desired.

In a late debate I heard the Prime Minister expatiate upon the necessity of dealing in reference to Canada, in the most liberal and conciliatory spirit, and when I heard him, I could not refrain from exclaiming: "Oh! that for Ireland, for unhappy Ireland—oh! that for my country, he would feel as he does towards Canada, and in its regard act the same generous part!" That prayer which rose involuntarily from my lips, I now—yes, I now venture to address you. The part which in Canada you have had the wisdom and the virtue to act, have in Ireland, (but oh! without a civil war!) have the virtue and the wisdom to follow. Rid, rid yourself in Ireland of "the family compact." Banish Orangeism from the Castle; put yourselves into contact in place of putting yourselves into collision with the people; reform the Protestant Church; conciliate the Catholic priesthood; disarm us, but not of the weapons against which this measure is directed—strip us of that triple panoply with which he who hath his quarrel just is invested—do this, and if you will do this, you will do far more for the tranquillization of Ireland, for the consolidation of the empire, and for your own renown, than if you were by arms bills and by coercion acts, and by a whole chain of despotic enactments, to succeed in inflicting upon Ireland that bad, that false, that deceptive, that desolate tranquillity which the history of the world, which all the philosophy that teaches by example, which the experience of every British statesman, which, above all, your own experience should teach you, is sure to be followed by calamities greater than any by which it was preceded.

THE IRISH STATE TRIALS.

SPEECH IN THE COURT OF QUEEN'S BENCH, IN IRELAND, IN THE CASE OF THE QUEEN *v.* DANIEL O'CONNELL, JOHN O'CONNELL, AND OTHERS, IN DEFENCE OF MR. JOHN O'CONNELL.

I AM counsel for Mr. John O'Connell. The importance of this case is not susceptible of exaggeration, and I do not speak in the language of hyperbole when I say that the attention of the empire is directed to the spot in which we are assembled. How great is the trust reposed in you—how great is the task which I have undertaken to perform! Conscious of its magnitude, I have risen to address you, not unmoved, but undismayed; no—not unmoved—for at this moment how many incidents of my own political life come back upon me, when I look upon my great political benefactor, my deliverer, and my friend; but of the emotion by which I acknowledge myself to be profoundly stirred, although I will not permit myself to be subdued by it, solicitude forms no part. I have great reliance upon you—upon the ascendency of principle over prejudice in your minds; and I am not entirely without reliance upon myself. I do not speak in the language of vain-glorious self-complacency when I say this. I know that I am surrounded by men infinitely superior to me in every forensic, and in almost every intellectual qualification. My confidence is derived, not from any overweening estimate of my own faculties, but from a thorough conviction of the innocence of my client. I know—and I appear in some sort not only as an advocate but a witness before you—I know him to be innocent of the misdeeds laid to his charge. The same blood flows through their veins—the same feelings circulate through their hearts: the son and the father are in all political regards the same, and with the father I have toiled in no dishonorable companionship for more than half my life in that great work, which it his chief praise that it was conceived in the spirit of peace—that in the spirit of peace it was carried out—and that in the spirit of peace

it was brought by him to its glorious consummation. I am acquainted with every feature of his character, with his thoughts, hopes, fears, aspirations. I have—if I may venture to say—a full cognizance of every pulsation of his heart. I know—I am sure as that I am a living man—that from the sanguinary misdeeds imputed to him, he shrinks with abhorrence. It is this persuasion—profound, impassioned—and I trust that it will prove contagious—which will sustain me in the midst of the exhaustion incidental to this lengthened trial; will enable me to overcome the illness under which I am at this moment laboring; will raise me to the height of this great argument and lift me to a level with the lofty topics which I shall have occasion to treat in resisting a prosecution, to which in the annals of criminal jurisprudence in this country no parallel can be found.

Gentlemen, the Attorney-General, in a statement of eleven or twelve hours' duration, read a long series of extracts from speeches and publications, extending over a period of nearly nine months. At the termination of every passage which was cited by him, he gave utterance to expressions of strong resentment against the men by whom sentiments so noxious were circulated, in language most envenomed. If, gentlemen of the jury, his anger was not simulated; if his indignation was not merely official; if he spoke as he felt, how does it come to pass that no single step was ever taken by him for the purpose of arresting the progress of an evil represented by him to be so calamitous? He told you that the country was traversed by incendiaries who set fire to the passions of the people; the whole fabric of society, according to the Attorney-General, for the last nine months has been in a blaze; wherefore then did he stand with folded arms to gaze at the conflagration? Where were the Castle fire-engines—where was the indictment—and of *ex officio* information what had become? Is there not too much reason to think that a project was formed, or rather that a plot was concocted, to decoy the traversers, and that a connivance, amounting almost to sanction, was deliberately adopted as a part of the policy of the government, in order to betray the traversers into indiscretions of which advantage was, in due time, to be taken?

I have heard it said that it was criminal to tell the people to "bide their time;"* but is the government to "bide its time," in order to turn popular excitement to account? The public prosecutor who gives an indirect encouragement to agitation, in order that he may afterwards more effectually fall upon it, bears some moral affinity to the informer, who provokes the crime from whose denunciation his ignominious livelihood is derived. Has the Attorney-General adopted a course worthy of his great office—worthy of the ostensible head of the Irish bar, and the representative of its intellect in the House of Commons? Is it befitting that the successor of Saurin, and of Plunket, who should "keep watch and ward" from his high station over the public safety, should descend to the performance of functions worthy only of a commissary of the French police; and in place of being the sentinel, should become the "Artful Dodger" of the state? But what, you may ask, could be the motive of the right honorable gentleman for pursuing the course he has adopted, and for which no explanation has been attempted by him? He could not have obtained any advantage signally serviceable to his party by prosecuting Mr. Duffy or Dr. Gray, for strong articles in their newspapers; or by prosecuting Mr. Steele or Mr. Tierney, for attending unlawful assemblies. He did not fish with lines—if I may avail myself of an illustration derived from the habits of my constituents at Dungarvan—but cast a wide and nicely constructed trammel-net, in order that by a kind of miraculous catch he might take the great agitator leviathan himself, a member of parliament—Mr. Steele, three editors of newspapers, and a pair of priests, in one stupendous haul together. But there was another object still more important to be gained. Had the Attorney-General prosecuted individuals for the use of violent language, or for attending unlawful meetings, each individual would have been held responsible for his own acts; but in a prosecution for conspiracy, which is open to every one of the objections applicable to constructive treason, the acts and the speeches of one man are given in evidence against another, although the latter may have been at the distance

* One of the songs of the Nation is entitled "Bide your time."

of a hundred miles when the circumstances used against him as evidence, and of which he had no sort of cognizance, took place.

By prosecuting Mr. O'Connell for a conspiracy, the Attorney-General treats him exactly as if he were the editor of the Nation, the editor of the Freeman, and the editor of the Pilot. Indeed, if five or six other editors of newspapers in the country had been joined as traversers, for every line in their newspapers, Mr. O'Connell would be held responsible. There is one English gentleman, I believe, upon that jury. If a prosecution for a conspiracy were instituted against the Anti-Corn Law League in England, would he not think it very hard indeed that Mr. Cobden and Mr. Bright should be held answerable for every article in the Chronicle, in the Globe, and in the Sun? How large a portion of the case of the Crown depends upon this implication of Mr. O'Connell with three Dublin newspapers? He is accused of conspiring with men who certainly never conspired with each other. For those who know anything of newspapers are aware that they are mercantile speculations—the property in them is held by shares—and that the very circumstance of their being engaged in the same politics alienates the proprietors from each other. They pay their addresses to the same mistress, and cordially detest each other. I remember to have heard Mr. Barnes, the celebrated editor of the Times newspaper, once ask Mr. Rogers what manner of man was a Mr. Tompkins? To which Mr. Rogers replied, "he was a dull dog, who read the Morning Herald."

Let us turn for a moment from the repeal to the anti-repeal party. You would smile, I think, at the suggestion that Mr. Murray Mansfield, the proprietor of the Evening Packet, and Mr. Remmy Sheehan, the proprietor of the Evening Mail, both high Conservatives, should enter into a conspiracy together Those gentlemen would be themselves astonished at the imputation. Suppose them to be both members of the Conservative Association; would that circumstance be sufficient to sustain. in the judgment of men of plain sense, the charge of conspiracy upon them? Gentlemen, the relation in which Mr. Duffy. Mr. Barrett, and Dr. Gray stood to the Repeal Association, is

exactly the same as that in which Mr. Staunton, the proprietor of the Weekly Register, stood toward the Catholic Association. He was paid for his advertisements, and his newspaper contained Emancipation news, and was sent to those who desired to receive it. Mr. Staunton is now a member of the Repeal Association; he will tell you that his connection with that body is precisely of the same character as that which existed with the celebrated body to which I referred; he will prove to you, that over his paper Mr. O'Connell exercises no sort of control, and that all that is done by him in reference to his paper is the result of his own free and unbiassed will. The speeches made at the Association and public meetings were reported by him in the same manner as in the other public journals; he is not a conspirator; the government have not treated him as such. Why? Because there were no poems in his paper like "The Memory of the Dead," which, although in direct opposition to the feelings of Mr. O'Connell, and which he had frequently expressed, is now used in evidence against him.

Gentlemen, I have said enough to you to show how formidable is this doctrine of conspiracy—of legal conspiracy—which is so far removed from all notions of actual conspiracy, to show you further how cautious you ought to be in finding eight of your fellow-citizens guilty of that charge. The defendants are indicted for conspiracy, and for nothing else. No counts are inserted for attending unlawful assemblies. The Attorney-General wants a conviction for a conspiracy, and nothing else. He has deviated in these particulars from English usage.

In indictments for a conspiracy, counts for attending unlawful assemblies are in England uniformly introduced. English juries have almost uniformly manifested an aversion to find men guilty of a conspiracy. Take Henry Hunt's case as an example. When that case was tried, England was in a perilous condition. It had been proved before a secret committee of the House of Commons, of which the present Earl of Derby, the father of Lord Stanley, was the chairman, that large bodies of men were disciplined at night in the neighborhood of Manchester, and made familiar with the use of arms. An

extensive organization existed. Vast public assemblies were held, accompanied with every revolutionary incident in furtherance of a revolutionary object—yet, an English jury would not find Henry Hunt guilty of a conspiracy, but found him guilty, on the fourth count of the indictment, for attending an unlawful assembly. Some of the Chartists were not found guilty of a conspiracy, but were found guilty upon counts from which the word "conspiracy" is left out. Gentlemen, the promises of Mr. Pitt, when the Union was carried, have not been fulfilled—the prospects presented by him in his magnificent declamation have not been realized; but, if in so many other regards we have sustained a most grievous disappointment—if English capital has not adventured here—if Englishmen have preferred sinking their fortunes in the rocks of Mexico rather than embark them in speculations connected with this fine but unfortunate country—yet, from the Union let one advantage be at all events derived: let English feelings—let English principles—let English love of justice—let English horror of oppression—let English detestation of foul play—let English loathing of constructive crime, find its way amongst us! But, thank God, it is not to England that I am driven exclusively to refer for a salutary example of the aversion of twelve honest men to prosecutions for conspiracy.

You remember the prosecution of Forbes, and of Handwich, and other Orangemen of an inferior class, under Lord Wellesley's administration; they were guilty of a riot in the theatre; but they were charged with having entered into a great political confederacy to upset Lord Wellesley's government, and to associate him with the "exports of Ireland." The Protestant feeling of Ireland rose—addresses were poured in from almost every district in the country, remonstrating against a proceeding which was represented as hostile to the liberties of the country, and as a great stretch of the prerogative of the crown. The jury did their duty, and refused to convict the traversers. The Irish Catholics at that time, heated by feelings of partisanship, were rash enough to wish for a conviction. Fatal mistake! A precedent would have been created, which would soon have been converted into practice against themselves.

Gentlemen, we are living in times of strange political vicissitude. God forbid that I should ever live to see the time—(for I hate to see ascendency of every kind)—God forbid that I should ever live to see the time, or that our children should ever live to see the time, when there shall be arrayed four Catholic judges at a trial at bar upon that bench, when the entire of the government bar who shall be engaged in a public prosecution shall be Roman Catholic; and when a Catholic Crown solicitor shall strike eleven Protestants from the special jury list, and leave twelve Roman Catholics in that box. I reassert it, and exclaim again, in all the sincerity of my heart, that I pray that such a spectacle never shall be exhibited in this the first criminal court in the land. I know full well the irrepressible tendency of the power to abuse. We have witnessed strange things, and strange things we may yet behold. It is the duty, the solemn duty—it is the interest, the paramount interest—of every one of us, before and above everything else, to secure the great foundations of liberty—in which we all have an equal concern—from invasion, and to guard against the creation of a precedent which may enable some future Attorney-General to convert the Queen's Bench into a star-chamber, and commit a further inroad upon the principles of the constitution. Gentlemen, it is my intention to show you that my client is not guilty of any of the conspiracies charged in the indictment; and in doing so I shall have occasion to advert to the several proceedings that have been adopted by the government, and to the evidence that has been laid before you.

But before I proceed to that head of the division which I have traced out for myself, I shall show you what the object of my client really was; I shall show you that that object was a legal one, and that it was by legal means that he endeavored to attain it. The Attorney-General, in a speech of considerable length—but not longer than the greatness of the occasion amply justified—adverted to a great number of diversified topics, quoted the speeches of Sir Robert Peel and of Lord John Russell—adverted to the report of the secret committee of the House of Lords in 1797, and referred to the great era of Irish parliamentary independence, 1782. That

he should have been so multifarious and discursive, I do not complain. In a case of this incalculable importance we should look for light wherever it can be found. I shall go somewhat farther than the year 1782; but do not imagine that I mean to enter into any lengthened narrative or elaborate expatiation. Long tracts of time may be swiftly traversed.

I do not think that any writer has given a more accurate or more interesting account of the first struggle of Ireland for the assertion of her rights than Sir Walter Scott. He was a Tory. He was bred and born, perhaps, in some disrelish for Ireland; but when he came amongst us, his opinions underwent a material alteration. The man who could speak of Scotland in those noble lines which were cited in the course of this trial, with so much passionate attachment, made a just allowance for those who felt for the land of their birth the same just emotion. In his Life of Swift, he says Molyneux, the friend of Locke and of liberty, published in 1698 "The Case of Ireland being bound by Act of Parliament in England, Stated," in which he showed with great force, "that the right of legislation, of which England made so oppressive a use, was justifiable neither by the plea of conquest, purchase, or precedent, and was only submitted to from incapacity of effectual resistance.

"The temper of the English House of Commons did not brook these remonstrances. It was unanimously voted that these bold and pernicious assertions were calculated to shake the subordination and dependence of Ireland, as united and annexed forever to the Crown of England, and the vote of the House was followed by an address to the Queen, complaining that although the woolen trade was the staple manufacture of England, over which her legislation was accustomed to watch with the utmost care, yet Ireland, which was dependent upon and protected by England, not contented with the linen manufacture, the liberty whereof was indulged to her, presumed also to apply her credit and capital to the weaving of her own wool and woolen cloths, to the great detriment of England. Not a voice was raised in the British House of Commons to contradict maxims equally impolitic and tyrannical. In acting upon these commercial restrictions, wrong

was heaped upon wrong, and insult was added to injury—with this advantage on the side of the aggressors, that they could intimidate the people of Ireland into silence by raising, to drown every complaint, the cry of 'rebel,' and 'Jacobite.'"

When Swift came to Ireland in 1714, he at first devoted himself to literary occupations; but at length his indignation was aroused by the monstrous wrongs which were inflicted upon his country. He was so excited by the injustice which he abhorred, that he could not forbear exclaiming to his friend Delany, "Do not the villanies of men eat into your flesh?" In 1720 he published a proposal for the use of Irish manufacture, and was charged with having endeavored to create hostility between different classes of his Majesty's subjects, one of the charges preferred in this very indictment. At that time the judges were dependent upon the Crown. They did not possess that "fixity of tenure" which is a security for their public virtue. They are now no longer, thank God, "tenants at will." They may be mistaken—they may be blinded by strong emotions—but corrupt they cannot be. The circumstance detailed in the following passage in the Life of Swift could not by possibility occur in modern times. "The storm which Swift had driven was not long in bursting. It was intimated to Lord Chief Justice Whitshed by a person in great office," (this, if I remember right, was the expression used by Mr. Ross, in reference to a great unknown, who sent him here,) "that Swift's pamphlet was published for the purpose of setting the two kingdoms at variance; and it was recommended that the printer should be prosecuted with the uttermost rigor. Whitshed was not a person to neglect such a hint, and the arguments of government were so successful that the grand juries of the county and city presented the dean's pamphlet as a seditious, factious, and virulent libel. Waters, the printer, was seized and forced to give great bail; but, upon his trial, the jury, though some pains had been bestowed in selecting them, brought him in not guilty; and it was not until they were worn out by the Lord Chief Justice, who detained them eleven hours, and sent them nine times to reconsider their verdict, that they at length reluctantly left the matter in his hands, by a special verdict; but the measures of

Whitshed were too violent to be of service to the government; men's minds revolted against his iniquitous conduct."

Sir Walter Scott then proceeds to give an account of the famous Drapier's Letters. After speaking of the first three, Sir Walter Scott says, "It was now obvious, from the temper of Ireland, that the true point of difference between the two countries might safely be brought before the public. In the Drapier's fourth letter, accordingly, Swift boldly treated of the royal prerogative, of the almost exclusive employment of natives of England in places of trust and emolument in Ireland; of the dependence of that kingdom upon England, and the power assumed, contrary to truth, reason, and justice, of binding her by the laws of a parliament in which she had no representation." And, gentlemen, is it a question too bold of me to ask, whether, if Ireland have no effective representation—if the wishes and feelings of the representatives of Ireland upon Irish questions are held to be of no account—if the Irish representation is utterly merged in the English, and the minister does not, by a judicious policy, endeavor to counteract it—as he might, in the opinion of many men, effectually do—is not the practical result exactly the same as if Ireland had not a single representative in parliament? Gentlemen, Swift addressed the people of Ireland upon this great topic, in language as strong as any that Daniel O'Connell has employed. "The remedy," he says, "is wholly in your own hands By the laws of God, of nations, and of your country, you are, and ought to be, as free a people as your brethren in England." "This tract," says Sir Walter Scott, "pressed at once upon the real merits of the question at issue, and the alarm was instantly taken by the English government, the necessity of supporting whose domination devolved upon Carteret, who was just landed, and accordingly a proclamation was issued, offering £300 reward for the discovery of the author of the Drapier's fourth letter, described as a wicked and malicious pamphlet, containing several seditious and scandalous passages, highly reflecting upon his Majesty and his ministers, and tending to alienate the affections of his good subjects in England and Ireland from each other." Sir Walter, after mentioning one or two interesting anecdotes, says—"When

the bill against the printer of the Drapier's Letters was about to be presented to the grand jury, Swift addressed to that body a paper entitled 'Seasonable Advice,' exhorting them to remember the story of the Leyone mode by which the wolves were placed with the sheep on condition of parting with their shepherds and mastiffs, after which they ravaged the flock at pleasure."

A few spirited verses, addressed to the citizens at large, and enforcing similar topics, are subscribed by the Drapier initials, and are doubtless Swift's own composition, alluding to the charge that he had gone too far in leaving the discussion of Wood's project, to treat of the alleged dependence of Ireland. He concludes in these lines:

> "If then, oppression has not quite subdued
> At once your prudence and your gratitude—
> If you yourselves conspire not your undoing—
> And don't deserve, and won't bring down your ruin—
> If yet to virtue you have some pretence—
> If yet you are not lost to common sense,
> Assist your patriots in your own defence;
> That stupid cant, 'he went too far,' despise,
> And know that to be brave is to be wise;
> Think how he struggled for your liberty,
> And give him freedom while yourselves are free."

At the same time was circulated the memorable and apt quotation from Scripture, by a Quaker (I do not know, gentlemen, whether his name was Robinson, but it ought to have been)—"And the people said unto Saul, shall Jonathan die, who hath wrought this great salvation in Israel? God forbid! As the Lord liveth, there shall not one hair of his head fall to the ground, for he hath wrought with God this day; so the people rescued Jonathan, and he died not."

Thus admonished by verse, law, and Scripture, the grand jury assembled. It was in vain that the Lord Chief Justice Whitshed, who had denounced the dean's former tract as seditious, and procured a verdict against the prisoner, exerted himself upon a similar occasion. The hour for intimidation was past. Sir Walter Scott, after detailing instances of the violence of Whitshed, and describing the rest of the dean's letters, says: "Thus victoriously terminated the first grand

struggle for the independence of Ireland. The eyes of the kingdom were now moved with one consent upon the man by whose unbending fortitude and pre-eminent talent this triumph was accomplished. The Drapier's head became a sign; his portrait was engraved, worn upon handkerchiefs, struck upon medals, and displayed in every possible manner as the Liberator of Ireland."

Well might that epithet "grand," be applied to the first great struggle of the people of Ireland by that immortal Scotchman, who was himself so "grand of soul," and who of mental loftiness, as well as of the magnificence of external nature, had a perception so fine—and well might our own Grattan, who was so great and so good, in referring to his own achievement in 1782, address to the spirit of Swift and to the spirit of Molyneux his enthusiastic invocation—and may not I, in such a cause as this, without irreverence, offer up my prayer, that of the spirit by which the soul of Henry Grattan was itself inflamed, every remnant in the bosoms of my countrymen may not be extinguished. A prosecution was not instituted against the great conspirators of 1782. The English minister had been taught in the struggles between England and her colonies a lesson from adversity, that school-mistress, the only one from whom ministers ever learn anything—who charges so much blood, so much gold, and such torrents of tears, for her instructions.

In reading the history of that time, and in tracing the gradual descent of England from the tone of despotic dictation to the reluctant acknowledgment of disaster, and to the ignominious confession of defeat, how many painful considerations are presented to us! If in time—if the English minister in time had listened to the eloquent warnings of Chatham, or to the still more oracular admonitions of Edmund Burke, what a world of woe would have been avoided!

By some fatality, England was first demented, and then was lost. Her repentance followed her perdition. The colonies were lost; but Ireland was saved by the timely recognition of the great principle on which her independence was founded. No Attorney-General was found bold enough to prosecute Flood and Grattan for a conspiracy. With what scorn would

twelve Irishmen have repudiated the presumptuous functionary by whom such an enterprise should have been attempted. Irishmen then felt that they had a country; they acted under the influence of that instinct of nationality, which, for his providential purposes, the Author of nature has implanted in us. We were then a nation—we were not broken into fragments by those dissensions by which we are at once enfeebled and degraded. If we were eight millions of Protestants (and, heaven forgive me, there are moments when, looking at the wrongs done to my country, I have been betrayed into the guilty desire that we all were); but, if we were eight millions of Protestants, should we be used as we are? Should we see every office of dignity and emolument in this country filled by the natives of the sister island? Should we see the just expenditure requisite for the improvement of our country denied? Should we see the quit and crown rents of Ireland applied to the improvement of Charing-Cross, or of Windsor Castle? Should we submit to the odious distinctions between Englishmen and Irishmen introduced into almost every act of legislation? Should we bear with an Arms Bill, by which the Bill of Rights is set at naught? Should we brook the misapplication of a Poor Law? Should we allow the parliament to proceed as if we had not a voice in the legislature? Should we submit to our present inadequate representation? Should we allow a new tariff to be introduced, without giving us the slightest equivalent for the manifest loss we have sustained? And should we not peremptorily require that the Imperial Parliament should hold a periodical session for the transaction of Irish business in the metropolis of a powerful, and, as it then would be, an undivided country? But we are prevented by our wretched religious distinctions from co-operating for a single object, by which the honor and substantial interests of our country can be promoted.

Fatal, disastrous, detestable distinctions! Detestable, because they are not only repugnant to the genuine spirit of Christianity, and substitute for the charities of religion the rancorous antipathies of sect; but because they practically reduce us to a colonial dependency, make the Union a name, substitute for a real union a tie of parchment which an event

might sunder—convert a nation into an appurtenance, make us the footstool of the minister, the scorn of England, and the commiseration of the world. Ireland is the only country in Europe in which abominable distinctions between Protestant and Catholic are permitted to continue. In Germany, where Luther translated the Scriptures; in France, where Calvin wrote the Institutes; ay, in the land of the Dragonades and the St. Bartholomews; in the land from whence the forefathers of one of the judicial functionaries of this court, and the first ministerial officer of the court were barbarously driven—the mutual wrongs done by Catholic and Protestant are forgiven and forgotten, while we, madmen that we are, arrayed by that fell fanaticism which, driven from every other country in Europe, has found a refuge here, precipitate ourselves upon each other in those encounters of sectarian ferocity in which our country, bleeding and lacerated, is trodden under foot. We convert the island, that ought to be one of the most fortunate in the sea, into a receptacle of degradation and suffering; counteract the designs of Providence, and enter into a conspiracy for the frustration of the beneficent designs of God. (Great applause and clapping of hands in court for some minutes.)

Chief Justice.—If public feeling is exhibited again in this manner, or if the proceedings of the court are again interrupted, I must order the galleries to be cleared. (Addressing Mr. Sheil)—I am sure, Mr. Sheil, you do not wish it yourself.

Mr. Sheil.—There is nothing I deprecate more, my lord; for it is not by such means that the minds of the jury are to be convinced.

Chief Justice.—Certainly not.

Mr. Sheil.—I am much obliged to your lordship for interrupting me, as it has given me a few moments' rest.

Chief Justice.—Whenever you feel exhausted, sit down and rest.

The right honorable gentleman thanked his lordship and resumed his address. It is indisputable that Ireland made a progress marvellously rapid in the career of improvement which freedom had thrown open to her; she ran so fast that England was afraid of being overtaken. Mr. Pitt and Mr. Dundas concurred in stating that no country had ever ad-

vanced with more rapidity than Ireland. Her commerce and manufactures doubled; the plough climbed to the top of the mountain, and found its way into the centre of the morass. This city grew into one of the noblest capitals of the world—wealth, and rank, and genius, and eloquence, and every intellectual accomplishment, and all the attributes by which men's minds are exalted, refined, and embellished, were gathered here. The memorials of our prosperity remain. Of that prosperity architecture has left us its magnificent attestation. This temple, dedicated to justice, stands among the witnesses, silent and solemn, of the glory of Ireland, to which I may appeal. It is seen from afar off. It rises high above the smoke and din of this populous city; be it the type of that moral elevation, over every contaminating influence, to which every man who is engaged in the sacred administration of justice ought to ascend!

The penal laws were enacted by slaves and relaxed by freemen. The Protestants of Ireland had been contented to kneel to England upon the Catholic neck. They rose to a nobler attitude, and we were permitted to get up. In 1782, the Protestants of Ireland who had acquired political rights, communicated civil privileges to their fellow-subjects. In 1792 they granted us the elective franchise—a word of illustrious etymology. There can be no doubt that the final adjustment of the Catholic question upon terms satisfactory to both parties would have been effected, and without putting the country to that process of fearful agitation through which it has passed, if the rebellion of 1798, so repeatedly and with a sincerity so unaffected denounced by Mr. O'Connell, had not marred the hopes of the country and essentially contributed to the Union.

Mr. Pitt borrowed his plan of the Union from that great soldier to whom the gentry of this country are under obligations so essential. It must be acknowledged, however, that they make up by the fervor of their loyalty for the republican origin of their estates. Oliver Cromwell first devised the Union. He returned four hundred members for England, thirty for Scotland, and as many for this country; a report of the debates in that singular assembly was preserved by

Thomas Burton, who kept a diary, and is stated in that book, which I hold in my hand, to have been a member of the parliaments of Oliver and Richard Cromwell, from 1656 to 1659. It was published a few years ago from a MS. in the British Museum.

The members from Ireland were English soldiers, who had acquired estates in Ireland. You would suppose that they were cordially welcomed by their English associates, for they were Englishmen, bred and born; and they had very materially contributed to the tranquillization of Ireland. I hope I use the most delicate and least offensive term. I acknowledge that I had anticipated as much before I read the book. What was my surprise when I found that these deputies from Ireland were considered to be in some sort contaminated by the air which they had breathed in this country, and that they were most uncourteously treated by the English members. A gentleman whose name ought to have been Copley, (the family name of Lord Lyndhurst,) says, "These men are foreigners." The following is the speech: "Mr. Gewen said, it is not for the honor of the English nation for foreigners to come and have power in this nation. They are but provinces at best."

Doctor Clarges says, on behalf of Ireland, page 114, "They (the Irish) were united with you, and have always had an equal right with you. He that was King of England was King of Ireland, or Lord. If you give not a right to sit here, you must in justice let them have a parliament at home. How safe that will be, I question. Those that sit for them are not Irish teagues; but faithful persons." Mr. Gewen again observes: "It were better both for England and for Ireland that they had parliaments of their own. It is neither safe, just, nor honorable to admit them. Let them rather have a parliament of their own." Mr. Antie observes: "If you speak as to the convenience in relation to England, much more is to be said why those who serve for Scotland should sit here. It is one continent, and elections are easier determined; but Ireland differs. It is much fitter for them to have parliaments of their own. That was the old constitution. It will be difficult to change it, and dangerous for Ireland. They are under an impossibility of redress. . . . Their grievances can never be redressed.

Elections can never be intermixed. Though they were but a province, there were courts of justice and parliaments as free as here. . . . I pray that they may have soon to hear their grievances in their own nation, seeing that they cannot have them heard there."

Sir Thomas Stanly observes: "I am not to speak for Ireland, but for the English in Ireland. The members for Ireland and the electors are all Englishmen, who naturally claim to have votes in making laws by which they must be governed; they have fought your battles, obtained and preserved your interests, designed by the famous long parliament, obtained by blood, and sought for by prayer solemnly."

You may ask of me, wherefore is it I make these references? I answer, because the institutions of a country may change; the government may, in its form, undergo essential modifications; but the basis of the national character, like its language, remains the same, and to this very day there prevails in the feelings of Englishmen towards this country what I have ventured to call elsewhere—the instinct of domination. Towards the Protestants of Ireland, when the Papists were ground to powder, the very same feeling prevailed, of which we see manifestations to this hour. The question is not one between Catholic and Protestant; but is between the greater country and the smaller, which the former country endeavors to keep under an ignominious control. The Union was carried by corruption and by fear. The shrieks of the rebellion still echoed in the nation's ear. The habeas corpus act was suspended, and martial law had been proclaimed; the country was in a state of siege; the minister had a rod of steel for the people; and a purse of countless gold for the senator.

But in the midst of that parliamentary profligacy, at which even Sir Robert Walpole would have been astonished, the genius of the country remained incorruptible—Grattan, Curran, and the rest of those famous men whose names cast so bright a light upon this, the brightest part of our history, never for a moment yielded to a sordid or ignoble impulse. All the distinguished men of the bar were faithful to their country. Sir Jonah Barrington, in his History of the Rise and Fall of

the Irish Nation, has quoted the speeches of the most eminent men of our profession; amongst which those of Mr. Goold, who argued the question of right with equal eloquence and subtlety, Mr. Joy, Mr. Plunket, Mr. Bushe, and Mr. Saurin, are conspicuous. Lord Plunket denied the right of parliament to destroy itself. Mr. Saurin appealed to the authority of Mr. Locke. The same course was taken by Mr. Bushe, whom we have lost so lately—Bushe, whom it was impossible for those by whom the noblest eloquence was justly prized, not to admire—whom it was impossible for those by whom the purest worth was justly estimated, not to reverence—and whom it was impossible for those by whom a generous and exalted nature could be appreciated, not to love.

The Attorney-General has stated that the opinions of these eminent persons, delivered at the time of the Union, ought to be held in no account. What reason did he give for not attaching any value to the authority of Mr. Saurin? He said Mr. Saurin expressed his opinions in mere debate. So that the most important principles, solemnly laid down in parliamentary debate, are to be regarded as little better than mere forensic asseveration. I can now account for some speeches which I heard in the House of Commons regarding the education question. I think, however, that if such doctrines be propounded in the House of Commons itself, they would be listened to with surprise. You have heard, gentlemen, in the course of this trial, something of the morality of war, and also something of the morality of rebellion, which the right honorable gentleman was pleased to substitute as a synonym for war; but of the morality of parliament, I trust you will not form an estimate from the specimen presented to you by her Majesty's Attorney-General.

But these opinions, Mr. Attorney-General observed, were expressed before the act of parliament was passed. Surely, the truth of great principles does not depend upon an act of parliament. They are not for an age, but for all time. They are immutable and imperishable. They are immortal as the mind of man, incapable of decomposition or decay. The question before you is not whether these principles are well or ill founded, but you must take the fact of their having been

inculcated into your consideration, where you have to determine the intent of the men upon whose motives you have to adjudicate. The great authority to which the traversers appeal gives them a right, to a political toleration upon your part, and should induce you to think that even if they were led astray they were led astray by the authority of men with whom surely it is no discredit to coincide. But whatever we may think of the abstract validity of the Union, you must bear in mind that Mr. O'Connell has again and again stated, that the Union, being law, must, as long as it remains law, be submitted to; and all his positions regarding the validity of the Union have no other object than the constitutional incitement of the people to adopt the most effectual means through which the law itself may be repealed or modified. The Union was a bargain and sale—as a sale it was profligate, and the bargain was a bad one—for better terms might have been obtained, and may be still obtained, if you do not become the auxiliaries of the Attorney-General. Two-thirds of the Irish parliament were suppressed. Not a single English member was abstracted; and there can be no doubt we stood immediately after the Union in such a relation towards the English members, that we became completely nullified in the House of Commons. But, gentlemen, one could, perhaps, be reconciled to the terms of the Union, bad as they were, if the results of the Union had been beneficial to this country. We are told by some that our manufactures and our agricultural produce has greatly augmented; but what is the condition of the great bulk of the people of the country? Which is, after all, the consideration that, with Christian statesmen, ought to weigh the most. The greatest happiness of the greatest number is a Benthamite antithesis; but there is a great deal of Christianity condensed in it.

When travellers from France, from Germany, from America arrive in this country, and contemplate the frightful spectacle presented by the misery of the people, although previously prepared by descriptions of the national misery, they stand aghast at what they see, but what they could not have imagined. Why is this? If we look at other countries and find the people in a miserable condition we attribute the fault to the government. Are we in Ireland to attribute it to the soil,

to the climate, or to some evil genius who exercises a sinister influence over our destinies? The fault, as it appears to me, is entirely in that system of policy which has been pursued by the Imperial parliament, and for which the Union is to be condemned. Let me see, gentlemen, whether I can make out my case. I shall go through the leading facts with great celerity; but in such a case as this I should not apprehend the imputation of being wantonly prolix.

Your time is, indeed, most valuable, but the interests at stake are inestimably precious; and time will be scarce noted by you when you bear in mind that the effects of your verdict will be felt when generations have passed away—when every heart that now throbs in this great assembly shall have ceased to palpitate—when the contentions by which we were once agitated shall touch us no further; and all of us, Catholic and Protestant, Whig and Tory, Radical and Repealer, and Conservative, shall have been gathered where all at last lie down in peace together. The first measures adopted by the Imperial parliament were a continuation of martial law, and an extended suspension of the habeas corpus act. Mr. Pitt was honestly anxious to carry Catholic Emancipation, and to make at the same time a provision for the Roman Catholic clergy.

You may—some of you may—perhaps, think that Catholic Emancipation ought never to have been carried; but if it was to be carried, how much wiser would it have been to have settled it forty-four years ago, and without putting the country through that ordeal of excitement through which the Imperial parliament, by the procrastination of justice, forced it to pass. Mr. Pitt, by transferring the Catholic question from the Irish to the Imperial parliament, destroyed his own administration, and furnished a proof that, in place of being able to place Ireland under the protection of his great genius, he placed her under the control of the strong religious prejudices of the English people. Mr. Pitt returned to the first place in the ministry without, however, being able to make any stipulations for the fulfillment of his own engagements, or the realization of the policy which he felt to be indispensable for the peace of Ireland. The Roman Catholic Question was brought forward in 1805, and was lost in an Imperial House of Commons.

Mr. Pitt died of the battle of Austerlitz, and was succeeded by the Whigs. They proposed a measure which the Tories, who drove them out on the "No Popery" cry, carried in 1816, and who then introduced the new doctrine, that the usefulness of public measures is to be tried far less by the principles on which they were founded, than by the parties by which they were accomplished.

The expulsion of the Whigs from office in 1806, may, in your judgment, have been a fortunate proceeding; but fortunate or unfortunate, it furnishes another proof that the government of Ireland had been made over, not so much to the parliament as to the great mass of the people by whom that parliament is held under control. The Tories found in the portfolio of the Whigs two measures; a draft bill for Catholic Emancipation, which the Duke of Wellington, then Sir Arthur Wellesley, the Secretary for Ireland, flung into the fire; and an Arms Bill, to which clauses have been recently added, which even Mr. Shaw declared were "wantonly severe." You may conceive that an Arms Bill, with all its molestations, may be required; but it is beyond question that, in the year 1819, when England was on the verge of a rebellion, no such bill was ever propounded by the British ministry; and granting, for a moment, for the sake of argument, that some such bill is requisite, how scandalously must a country have been governed for almost half a century, if this outrage upon the Bill of Rights be required!

Having passed the Arms Bill and the Insurrection Act, its appropriate adjunct, the Imperial parliament proceeded to reduce the allowance to Maynooth. There is but one opinion regarding Maynooth—that it should be totally suppressed, or largely and munificently endowed, and that an education should be given to the Roman Catholic clergy, such as a body exercising such vast influence ought to receive. There are some who think it were better that the Catholic clergy were educated in France. I do not wish to see a Gallo-Hibernian church in Ireland. Parisian manners may be acquired at the cost of Irish morality, and I own that I am too much attached to my sovereign, and to the connexion of my country with England, to desire that conductors of French ambition, that

instruments of French enterprise, that agents of French intrigue, should be located in every parochial sub-division of the country. State to an English conservative the importance of opening a career for intellectual exertion, by holding out prizes to genius at Maynooth, and he will say it is true; but the English government are unable to carry the measure. Why? Because the religious objections of the people of England are in the way.

Another of the results of the Legislative Union. In 1810, a decade since the Union had elapsed, the country was in a miserable condition—its destitution, its degradation, were universally felt, and by none more than the Protestants of Dublin. A requisition was addressed to the High Sheriff of the city, signed by men of the greatest weight and consideration amongst us. A meeting was called; Sir James Riddle was in the chair. At that meeting Mr. O'Connell attended. He had in 1800 made his first speech against the Union, and in 1810, he came forward to denounce that measure. The speech delivered by him on that occasion was precisely similar to those numerous and most powerful harangues which have been read to you. He is represented in 1844 by her Majesty's Attorney-General as influenced by the most guilty and the most unworthy motives. The people are to be arrayed, in order that at a signal they may rise, and that a sanguinary republic should be established, of which Daniel O'Connell is to be the head. If these are the objects in 1844, what were the objects in 1810? The same arguments, the same topics of declamation, the same vehement adjurations, are employed. Gentlemen of the jury, that speech will be read to you; I entreat of you to take it into your box—to compare it with the speeches read on behalf of the Crown, and by that comparison to determine the course which you ought to take when the liberty of your fellow-subject is to depend upon your judgment. I am too wearied at present to read that speech; but with the permission of the Court, I will call on Mr. Ford to read it.

Chief Justice.—Certainly.

Judge Perrin.—Where did the meeting at which that speech was spoken take place?

Mr. Sheil.—At the Royal Exchange.

Mr. Ford then read the following speech:

"Mr. O'Connell declared that he offered himself to the meeting with unfeigned diffidence. He was unable to do justice to his feelings, on the great national subject on which they had met.

He felt too much of personal anxiety to allow him to arrange in anything like order, the many topics which rushed upon his mind, now, that, after ten years of silence and torpor, Irishmen again began to recollect their enslaved country. It was a melancholy period, those ten years, a period in which Ireland saw her artificers starved—her tradesmen begging—her merchants become bankrupts—her gentry banished—her nobility degraded. Within that period domestic turbulence broke from day to day into open violence and murder. Religious dissensions were aggravated and embittered. Credit and commerce were annihilated—taxation augmented in amount and in vexation. Besides the "hangings off" of the ordinary assizes, we had been disgraced by the necessity that existed for holding two special commissions of death, and had been degraded by one rebellion—and to crown all, we were at length insulted by being told of our growing prosperity. This was not the painting of imagination—it borrowed nothing from fancy. It was, alas! the plain representation of the facts that had occurred. The picture in sober colors of the real state of his ill-fated country. There was not a man present but must be convinced that he did not exaggerate a single fact. There was not a man present but must know that more misery existed than he had described.

"Such being the history of the first ten years of the Union, it would not be difficult to convince any unprejudiced man that all those calamities had sprung from that measure; Ireland was favored by Providence with a fertile soil, an excellent situation for commerce, intersected by navigable rivers, indented at every side with safe and commodious harbors, blessed with a fruitful soil, and with a vigorous, hardy, generous, and brave population; how did it happen, then, that the noble qualities of the Irish people were perverted? that the order of Providence was disturbed, and its blessings worse than neglected? The fatal cause was obvious—it was the Union. That those deplorable effects would follow from that accursed measure was prophesied. Before the Act of Union passed, it had been already proved that the trade of the country and its credit must fail as capital was drawn from it—that turbulence and violence would increase when the gentry were removed to reside in another country—that the taxes should increase in the same proportion as the people became unable to pay them!

"But neither the arguments nor the prophetic fears have ended with our present evils. It has also been demonstrated, that as long as the Union continues, so long must our evils accumulate. The nature of that measure, and the experience of facts which we have now had, leave no doubt of the truth of what has been asserted respecting the future; but,

if there be any still incredulous, he can only be of those who will not submit their reason to authority. To such persons the authority of Mr. Foster, his Majesty's Chancellor of the Exchequer for Ireland, would probably be conclusive, and Mr. Foster has assured us that final ruin to our country must be the consequence of the Union. I will not dwell, Mr. Sheriff, on the miseries of my country; I am disgusted with the wretchedness the Union has produced, and I do not dare to trust myself with the contemplation of the accumulation of sorrow that must overwhelm the land if the Union be not repealed.

"I beg to call the attention of the meeting to another part of the subject. The Union, sir, was a violation of our national and inherent rights: a flagrant injustice. The representatives whom we had elected for the short period of eight years had no authority to dispose of their country forever. It cannot be pretended that any direct or express authority to that effect was given to them, and the nature of their delegation excludes all idea of their having any such by implication. They were the servants of the nation, empowered to consult for its good; not its masters to traffic and dispose of it at their fantasy or for their profit. I deny that the nation itself had a right to barter its independence, or to commit political suicide; but when our servants destroyed our existence as a nation, they added to the baseness of assassination all the guilt of high treason. The reasoning upon which those opinions are founded is sufficiently obvious. They require no sanction from the authority of any name; neither do I pretend to give them any weight by declaring them to be conscientiously my own; but if you want authority to induce the conviction that the Union had injustice for its principle, and a crime for its basis, I appeal to that of his Majesty's present Attorney-General, Mr. Saurin, who, in his place in the Irish Parliament, pledged his character as a lawyer and a statesman, that the Union must be a violation of every moral principle, and that it was a mere question of prudence whether it should not be resisted by force. I also appeal to the opinions of the late Lord High Chancellor of Ireland, Mr. George Ponsonby, of the present Solicitor-General, Mr. Bushe, and of that splendid lawyer, Mr. Plunket. The Union was therefore a manifest injustice; and it continues to be unjust at this day; it was a crime, and must be still criminal, unless it shall be ludicrously stated, that crime, like wine, improves by old age, and that time mollifies injustice into innocence. You may smile at the supposition, but in sober sadness you must be convinced that we daily suffer injustice; that every succeeding day adds only another sin to the catalogue of British vice; and that if the Union continues it will only make the crime hereditary and injustice perpetual.

"We have been robbed, my countrymen, most foully robbed, of our birthright, of our independence; may it not be permitted us mournfully to ask how this consummation of evil was perfected? For it was not in any disastrous battle that our liberties were struck down; no foreign

invader had despoiled the land; we have not forfeited our country by any crimes; neither did we lose it by any domestic insurrection; no, the rebellion was completely put down before the Union was accomplished; the Irish militia and the Irish yeomanry had put it down. How, then, have we become enslaved? Alas! England, that ought to have been to us a sister and a friend—England, whom we had loved, and fought and bled for—England, whom we have protected, and whom we do protect—England, at a period when, out of 100,000 of the seamen in her service, 70,000 were Irish, England stole upon us like a thief in the night, and robbed us of the precious gem of our liberty; she stole from us that in which nought enriched her, but made us poor indeed! Reflect then, my friends, on the means employed to effect this disastrous measure.

"I do not speak of the meaner instruments of bribery and corruption. We all know that everything was put to sale—nothing profane or sacred was omitted in the Union mart. Offices in the revenue, commands in the army and navy, the sacred ermine of justice, and the holy altars of God, were all profaned and polluted as the rewards of Union services. By a vote in favor of the Union, ignorance, incapacity, and profligacy obtained certain promotion; and our ill-fated, but beloved country was degraded to her utmost limits before she was transfixed in slavery. But I do not intend to detain you in the contemplation of those vulgar means of parliamentary success—they are within the daily routine of official management; neither will I direct your attention to the frightful recollection of that avowed fact, which is now part of history, that the rebellion itself was fomented and encouraged in order to facilitate the Union. Even the rebellion was an accidental and a secondary cause—the real cause of the Union lay deeper, but it is quite obvious—it is to be found at once in the religious dissensions which the enemies of Ireland have created, and continued, and seek to perpetuate amongst themselves, by telling us off, and separating us into wretched sections and miserable subdivisions; they separated the Protestant from the Catholic, and the Presbyterian from both; they revived every antiquated cause of domestic animosity, and invented new pretexts of rancor; but, above all, my countrymen, they belied and calumniated us to each other; they falsely declared that we hated each other; and they continued to repeat that assertion until we came to believe it; they succeeded in producing all the madness of party and religious distinctions; and whilst we were lost in the stupor of insanity, they plundered us of our country, and left us to recover at our leisure from the horrid delusion into which we had been so artfully conducted.

"Such then were the means by which the Union was effectuated. It has stripped us of commerce and wealth—it has degraded us, and deprived us, not only of our station as a nation, but even of the name of our country—we are governed by foreigners—foreigners make our laws—for were the hundred members who nominally represent Ireland

in what is called the Imperial Parliament—were they really our representatives, what influence could they, although unbought and unanimous, have over the 558 English and Scotch members? But what is the fact? Why, that out of the hundred, such as they are, that sit for this country, more than one fifth know nothing of us, and are unknown to us. What, for example, do we know of Andrew Strahan, printer to the king? What can Henry Martin, barrister-at-law, care for the rights and liberties of Irishmen? Some of us may, perhaps, for our misfortunes, have been compelled to read a verbose pamphlet of James Stevens, but who knows anything of one Crile, one Hughan, one Cackin, or of a dozen more whose names I could mention, only because I have discovered them for the purpose of speaking to you about them? What sympathy can we, in our sufferings, expect from those men? what solicitude for our interests? what are they to Ireland, or Ireland to them? No, Mr. Sheriff, we are not represented; we have no effectual share in the legislation; the thing is a mere mockery; neither is the Imperial Parliament competent to legislate for us: it is too unwieldy a machine to legislate with discernment for England alone; but with respect to Ireland it has all the additional inconveniences that arise from want of interest and total ignorance.

"Sir, when I talk of utter ignorance in Irish affairs of the members of the Irish Parliament, I do not exaggerate or mistate; the ministers themselves are in absolute darkness with respect to this country. I undertake to demonstrate it. Sir, they have presumed to speak of the growing prosperity of Ireland; I know them to be vile and profligate; I cannot be suspected of flattering them; yet, vile as they are, I do not believe that they could have had the audacity to insert in the speech, supposed to be spoken by his Majesty, that expression, had they known that, in fact, Ireland was in abject and increasing poverty. Sir, they were content to take their information from a pensioned Frenchman, a being styled Sir Francis d'Ivernois, who, in one of the pamphlets which it is his trade to write, has proved by excellent samples of vulgar arithmetic, that manufactures are flourishing, our commerce extending, and our felicity consummate.

"When you detect the ministers themselves in such gross ignorance as, upon such authority, to place an insulting falsehood as it were in the mouth of our revered sovereign, what think you can be the fitness of the minor imps of legislation to make laws for Ireland? Indeed, the recent plans of taxation sufficiently evince how incompetent the present scheme of parliament is to legislate for Ireland. Had we an Irish parliament, it is impossible to conceive that they would have adopted taxes at once oppressive and unproductive; ruinous to the country, and useless to the Crown. No, sir, an Irish parliament, acquainted with the state of the country, and individually interested to tax proper objects, would have, even in this season of distress, no difficulty in raising the necessary supplies. The loyalty and good sense of the Irish nation would aid them;

and we should not, as now, perceive taxation unproductive of money, but abundantly fertile in discontent.

"There is another subject that peculiarly requires the attention of the legislature : but it is one which can be managed only by a resident and domestic parliament—it includes everything that relates to those strange and portentous disturbances which, from time to time, affright and desolate the fairest districts of the island. It is a delicate, difficult subject, and one that would require the most minute knowledge of the causes that produce those disturbances, and would demand all the attention and care of men, whose individual safety was connected with the discovery of a proper remedy. I do not wish to calculate the extent of evil that may be dreaded from the outrages I allude to, if our country shall continue in the hands of foreign empirics and pretenders; but it is clear to a demonstration that no man can be attached to his King and country who does not avow the necessity of submitting the control of this political evil to the only competent tribunal—an Irish parliament. The ills of this awful moment are confined to our domestic complaints and calamities. The great enemy of the liberty of the world extends his influence and his power from the Frozen Ocean to the Straits of Gibraltar. He threatens us with invasion from the thousand ports of his vast empire ; how is it possible to resist him with an impoverished, divided, and dispirited empire ? If then you are loyal to your excellent Monarch—if you are attached to the last relic of political freedom, can you hesitate to join in endeavoring to procure the remedy for all your calamities—the sure protection against all the threats of your enemy—the repeal of the Union. Yes, restore to Irishmen their country, and you may defy the invader's force : give back to Ireland her hardy and brave population, and you have nothing to dread from foreign power.

"It is useless to detain the meeting longer, in detailing the miseries that the Union has produced, or in pointing out the necessity that exists for its repeal. I have never met any man who did not deplore this fatal measure which had despoiled his country ; nor do I believe there is a single individual in the island who could be found even to pretend approbation of that measure. I would be glad to see the face of the man, or rather of the beast, who could dare to say he thought the Union wise or good—for the being who could say so must be devoid of all the feelings that distinguish humanity. With the knowledge that such were the sentiments of the universal Irish nation, how does it happen that the Union has lasted for ten years ? The solution of the question is easy—the Union continued only because we despaired of its repeal. Upon this despair alone has it continued—yet what could be more absurd than such despair ? If the Irish sentiment be but once known—if the voice of six millions be raised from Cape Clear to the Giant's Causeway—if the men most remarkable for their loyalty to their King and attachment to constitutional liberty will come forward as the leaders of the public voice, the nation would, in an hour, grow too great for the chains that now

shackle you, and the Union must be repealed without commotion and without difficulty.

"Let the most timid amongst us compare the present probability of repealing the Union with the prospect that in the year 1795 existed of that measure being ever brought about. Who in 1795 thought a Union possible? Pitt dared to attempt it, and he succeeded; it only requires the resolution to attempt its repeal; in fact, it requires only to entertain the hope of repealing it, to make it impossible that the Union should continue; but that pleasing hope could never exist, whilst the infernal dissensions on the score of religion were kept up. The Protestant alone could not expect to liberate his country—the Roman Catholic alone could not do it—neither could the Presbyterian—but amalgamate the three into the Irishman, and the Union is repealed. Learn discretion from your enemies—they have crushed your country by fomenting religious discord, serve her by abandoning it forever. Let each man give up his share of the mischief; let each man forsake every feeling of rancor; I say not this to barter with you, my countrymen. I require no equivalent from you; whatever course you shall take, my mind is fixed. I trample under foot the Catholic claims, if they can interfere with the repeal; I abandon all wish for Emancipation, if it delays the repeal. Nay, were Mr. Percival to-morrow to offer me the repeal of the Union upon the terms of re-enacting the penal code, I declare from my heart, and in the presence of my God, that I would most cheerfully embrace this offer.

"Let us then, my beloved countrymen, sacrifice our wicked and groundless animosities on the altar of our country; let that spirit, which heretofore emanating from Dungannon spread all over the island, and gave light and liberty to the land, be again cherished amongst us—let us rally round the standard of old Ireland, and we shall easily procure that greatest of political blessings, an Irish King, an Irish House of Lords, and an Irish House of Commons."

Mr. Sheil then continued: Gentlemen, you have heard that speech read from beginning to end, because that speech conveys the same sentiments, the same feelings, and inculcates the same great principles, almost in the very same language, as we find employed by Mr. O'Connell in 1843 and 1844. That long series of speeches and of writings produced by Mr. O'Connell within the last nine months, are no more than an expansion of the speech of 1810. Was he a conspirator in 1810? If so, he was engaged in a conspiracy with Sir Robert Shaw, who took the chair when the high sheriff left it, and declared that it was the boast of his life that he had opposed the Union, and that he persevered in the same sentiments;

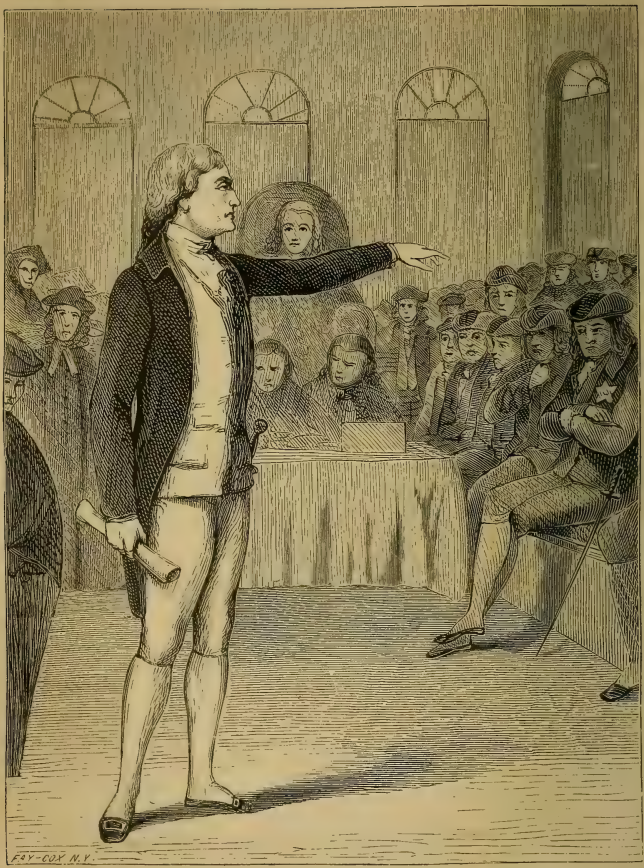
and will a man in 1844 be accounted guilty of a crime verging on treason, because he has repeated the opinions which he entertained when the shade of an imputation did not rest upon him? This is a consideration to which, I am sure, you will think that too much importance cannot be attached. At that aggregate meeting, including so large a portion of the Protestant inhabitants of this town, with the high sheriff of the Dublin corporation in the chair, a series of resolutions were passed against the Union. It was determined that petitions should be presented to parliament, and that they should be intrusted to Sir Robert Shaw and to Mr. Grattan. Sir Robert Shaw, in his answer, stated that he had opposed the Union in parliament, and that his opinions were unaltered. The following is the answer of Mr. Grattan, and that answer affords a proof of the falsehood of an allegation often made, that a great change of opinion had taken place in the mind of that illustrious man with respect to the Legislative Union:

"Gentlemen—I have the honor to receive an address presented by your committee, and an expression of their wishes that I should present certain petitions and support the repeal of an act entitled the Act of Union; and your committee adds, that it speaks with the authority of my constituency, the freemen and freeholders of the city of Dublin. I beg to assure your committee, and through them my much-beloved and much-respected constituents, that I shall accede to their proposition. I shall present their petitions, and shall support the repeal of the Act of Union with that decided attachment to our connexion with Great Britain, and to that harmony between the two countries, without which the connexion cannot last. I do not impair either, as I apprehend, when I assure you I shall support the repeal of the Act of Union. You will please to observe that a proposition of that sort, in parliament, to be either prudent or possible, must wait till it is called for and backed by the nation. When proposed I shall then—as at all times I hope I shall—prove myself an Irishman, and that Irishman whose first and last passion was his native country. HENRY GRATTAN."

"Backed by the nation." Mark that phrase. It occurs again and again in the speeches of Mr. O'Connell. Mr. O'Connell again and again declares that unless backed by the nation nothing can be accomplished by him. And if it be a crime to apply all the resources of his intellect, with an indefatigable energy, and an indomitable perseverance to the attain-

ment of that object by the means described by Mr. Grattan in the phrase, "backed by the nation," then is the son of Daniel O'Connell guilty. It will be strange, indeed, if in the opinion of twelve men of plain sense and of sound feeling, it should be deemed a crime to seek the attainment of repeal by the only instrumentality by which Mr. Grattan said it could be effected. What is the meaning of "backed by the nation?" What is the nation? We say, the Irish Catholics, the enormous majority of the people, are the nation. You say, the Irish Protestants, who have the property of the country, who are in the exclusive enjoyment of great intellectual advantages, and who are united, organized, and determined, are the Irish nation. The Irish Catholics and the Irish Protestants are both in the wrong. Neither constitute the Irish nation. Both do; and it was the sustainment of both that Mr. Grattan considered to be indispensable to make the proposition in parliament either prudent or possible. That just object—the combination of all classes and of all parties in this country—Mr. O'Connell has labored to attain. You may think that he has labored, and will labor in vain, to attain it; but you cannot consider it criminal to toil for its accomplishment; and if you conceive that that was his object and the object of his son—or if you have a reasonable doubt upon the subject, you are bound to acquit him. In 1812 Mr. Percival lost his life, and efforts were made to construct a cabinet favorable to Emancipation; the project failed, and a state prosecution against the Catholic Board was resolved on. Mr. Burrowes was the counsel for the defendants, and at the outset of his speech he boldly adverted to the fact that not a single Roman Catholic was upon the jury. He said:

"I confess, gentlemen, I was astonished to find that no Roman Catholic was suffered to enter the box, when it is well known that they equal, if not exceed, Protestant persons upon other occasions; and when the question relates to privileges of which they claim a participation, and you possess a monopoly. I was astonished to see twenty-two Protestant persons, of the highest respectability, set aside by the arbitrary veto of the Crown, without any alleged insufficiency, upon the sole demerit of suspected liberality. I was astonished to find a juror pressed into that box, who did not deny that he was a sworn Orangeman, and another who was about to admit, until he was silenced, that he had prejudged the



GRATTAN DEMANDING IRISH INDEPENDENCE.

cause. Those occurrences, at the first aspect of them, filled me with unqualified despair. I do not say that the Crown lawyers have had any concern in this revolting process, but I will say that they ought to have interfered in counteracting a selection which has insulted some of the most loyal men of this city, and must disparage any verdict which may be thus procured. But, gentlemen, upon a nearer view of the subject, I relinquish the despair by which I was actuated. I rest my hopes upon your known integrity, your deep interest in the welfare of the country, and the very disgust which yourselves must feel at the manner and motive of your array. You did not press forward into that jury box—you did not seek the exclusion, the total exclusion of any Roman Catholic—you, no doubt, would anxiously desire an intermixture of some of those enlightened Roman Catholics whom the Attorney-General declared he was certain he could convince, but whom he has not ventured to address in that box. The painful responsibility cast upon you is not of your own wishing, and I persuade myself you will, on due reflection, feel more indisposed to those who court and influence your prejudices, and would involve you in an act of deep responsibility, without that fair intermixture of opposite feelings and interest, which, by inviting discussion, and balancing affections, would promise a moderate and respected decision, than towards me, who openly attack your prejudices, and strive to arm your consciences against them. You know as well as I do that prejudice is a deadly enemy to fair investigation—that it has neither eyes nor ears for justice—that it hears and sees everything on one side—that to refute it is to exasperate it; and that, when it predominates, accusation is received as evidence, and calumny produces conviction."

It might at first appear likely that a Protestant jury would take an address so bold in bad part; but they gave Mr. Burrowes credit for his manly frankness, and they acquitted the traversers. The Crown resorted to a second prosecution; means more effectual were adopted, and a conviction was obtained. Mr. Saurin did not deny that the Roman Catholics had been excluded. He was of opinion that Protestant ascendency should everywhere prevail, and not least in those public tribunals which are armed with so much authority, and exercise so much influence over the fortunes of the state. I did not blame Mr. Saurin. He acted, in all likelihood, conscientiously, and whatever were his faults, duplicity was certainly not amongst the number. I saw him in the height of his power and in his fall; he was meek in his prosperity, and in his adverse fortune he was serene. The lustre of adversity shone in his smile; for his faults, such as they were, his name,

in an almost inevitable inheritance of antipathy, furnishes an excuse. How much more commendable was his conduct and the conduct of the government of the day, than if they had been profuse of professions they never meant to realize, and had offered an insult to the understanding as well as a gross wrong to the rights of the Irish people; and yet I shall not be surprised if, notwithstanding all that has happened, the same cant of impartiality shall be persevered in, and that we shall hear the same protestations of solicitude to make no distinction between Catholics and Protestants in all departments, but more especially in the administration of the law.

The screen falls—"the little French milliner" is disclosed—"by all that is horrible, Lady Teazle;" yet Joseph preserves his self-possession, and deals in sentiment to the last. But if, after all that has befallen, my Lord Eliot shall continue to deal in sentimentality in the House of Commons, the exclamation of Sir Peter Teazle, "Oh, damn your sentiment!" will break in upon him on every side. The government, as I told you, in 1812, succeeded in their state prosecution. What good for the country was effected by it? Was the Catholic question put down, or did a verdict facilitate the government of Mr. Peel, who was soon after appointed Secretary for Ireland. He was an Irish member. You are surprised at the intimation. He was returned for the borough of Cashel, where a very small, but a very discriminating constituency, were made sensible of his surpassing merits.

It has been remarked that young statesmen who are destined to operate upon England, are first sent to dissect in this country. Mr. Peel had a fine hand and admirable instruments, and he certainly gave proof that he would give the least possible pain in any amputations which he might afterwards have to perform. He was decorous—he avoided the language of wanton insult—endeavored to give us the advantages of a mild despotism, and "dwelt in decencies forever." Yet was his Irish government, and he must have felt it, an utter failure—he must have seen, even then, the irresistible arguments in favor of Catholic Emancipation; but he had not the moral intrepidity to break from his party, and to do at once what he was compelled to do afterwards. The Insurrec-

tion Act was renewed, the disturbances of the country were not diminished, and Ireland continued to reap the bitter fruits of imperial legislation.

A new policy was tried after Mr. Peel had proceeded to England, and the notable expedient was adopted of counteracting the Secretary with the Lord Lieutenant, and the Lord Lieutenant with the Secretary. We had Grant against Talbot, and Wellesley against Goulburn. It is almost unnecessary to say that a government carried on upon such a principle was incapable of good. The Roman Catholics of Ireland had been led from time to time to entertain the hope that something would be done for their relief. Their eyes were opened at last by the disengenuous dealing of George IV., who only smothered his laughter with the handkerchief with which he affected to dry his eyes; and Daniel O'Connell, feeling that liberty could never be achieved by going through the miserable routine of supplication, founded the celebrated society, by which results so great were almost immediately produced—the Catholic Association was created by him. He constructed a gigantic engine by which public opinion was to be worked—he formed with singular skill the smallest wheels of his complicated machinery, and he put it into motion by that continuous current of eloquence which gushed with an abundance so astonishing, as if from a hot well, from his soul. A vast organization of the Catholic millions was accomplished; the Catholic aristocracy—the middle classes—the entire of the clergy were enrolled in this celebrated confederacy. The government became alarmed, and in 1825 a bill was brought in for the suppression of this famous league. Mr. O'Connell proceeded to London and tendered the most extensive concessions to the government.

An offer was made to associate the Catholic Church with the state. If the Catholic question had been adjusted in 1825, and upon the terms proposed, it is obvious that the fearful agitation that disturbed the country during the four succeeding years would have been avoided. Not only were the offers rejected, but the bill for the suppression of the Catholic Association was carried. It was, however, laughed to scorn, and proved utterly inoperative. The energy of Mr. O'Connell

now redoubled. The peasantry were taught to feel that the elective franchise was not a trust vested in the tenant for the benefit of the landlord. A great agrarian revolt took place, accompanied, beyond all doubt, with great evils, for which, however, those by whom justice was so long delayed, are to be held responsible; the Beresfords were overthrown in Waterford; in Louth the Foresters received a mortal blow; and at length the great Clare election gave demonstrations of a moral power, whose existence had scarcely been conjectured.

I remember to have seen the late Lord Fitzgerald—an accomplished and enlightened man—looking with astonishment at the vast and living mass which he beheld from a window of a room in the court-house where that extraordinary contest was carried on. There were sixty thousand men beneath him—sober, silent, fierce. He saw that something far more important than his return to parliament was at stake—Catholic Emancipation was accomplished; and here I shall put two questions. The first is this—Do you think that up to the 13th of April, 1829, the day on which the royal assent was given to the Catholic Relief Bill, the system of government instituted and carried on, under the auspices of an imperial parliament, was so wise, so just, so salutary, so fraught with advantages to this country—so conducive to its tranquillization and to the development of its vast resources—that for nine-and-twenty years the Union ought to have been regarded as a great legislative blessing to this country? The second question I shall put to you is this—does it not occur to you that if the present indictment for a conspiracy can be sustained, an indictment for a conspiracy might have been just as reasonably preferred against the men who had associated themselves for the attainment of Catholic Emancipation?

There is not a count in this indictment which, by the substitution of "Catholic Emancipation" for "Repeal," might not have been made applicable to the great struggle of the Irish Catholics in 1828 and 1829. Money was collected by the Catholic Association. In America, and more especially in Canada, strong sympathy for Catholic Ireland was expressed. In the Chamber of Deputies, M. Chateaubriand adverted to the state of Ireland in the language of minacious intimation.

Enormous assemblages were held in the south of Ireland, but more especially in the county of Kilkenny. Speeches were delivered by Mr. O'Connell and by others, fully as inflammatory as any which have been read to you. What would have been thought of an indictment for a conspiracy against Mr. O'Connell, against the Evening Post, the Freeman's Journal, the Morning Register, Dr. Doyle, and my friend, Tom Steele, who was at that time, as he is now, a knight-errant animated by a noble chivalry against oppression in every form? Would it not have been deemed a monstrous thing to have read a very exciting article in three Roman Catholic newspapers, against the men by whom perhaps they never had been perused? Such a thing was never thought of. There were, indeed, prosecutions. The individual who now addresses you was prosecuted for a speech on the expedition of Wolfe Tone. The bills were found; but Mr. Canning declared in the cabinet that there was not a single line in the speech, which, if spoken in the House of Commons, would have justified a call for order, and he denounced the prosecution as utterly unjust. The prosecution was accordingly abandoned. But, gentlemen, if I had been prosecuted for a conspiracy, and held responsible, not for my own speeches, but for those of others, in how different and how helpless a position should I have been placed! Have a care how you make a precedent in favor of such an indictment.

During the last nine months, the Attorney-General had ample opportunities, if his own statement be well founded, of instituting prosecutions against individuals for what they himselves had written or done. In this proceeding, whose tardiness indicates its intent, you will not, I feel confident, become its auxiliaries. A Coercion Bill, if the Repeal of the Union is to be put down, would be preferable, for it operates as a temporary suspension of liberty, but the effects of a verdict are permanently deleterious. The doctrine of conspiracy may be applied to every combination of every kind. It is directed against the Repeal Association to-day; it may be levelled against the Corn Law League to-morrow. In one word, every political society, no matter how diversified their objects, or how different their constitution, is within its reach.

The Catholic question having been considered, the Tories were put out by a conspiracy formed amongst themselves. The Whigs come in and the Reform Bill is carried—how? A hundred and fifty thousand men assemble at Birmingham, and threaten to advance on London; a resolution not to pay taxes is passed, and applauded by Lord Fitzwilliam. Lord John Russell and Lord Althorpe become the correspondents of the Birmingham Union. Cumber is reduced to ashes; Bristol is on fire; the peers resist, and the Whig cabinet with one voice exclaims, "Swamp the House of Lords!" And who are the men—the bold, audacious men—conspirators, indeed!—who embarked in an enterprise so fearful, and which could be only accomplished by such fearful means? You will answer, Lord Grey. Yes. Lord John Russell? To be sure. Lord Althorpe? No doubt about it. But is our list exhausted? Do you remember Mr. Hatchell asking Mr. Ross, "Pray, Mr. Ross, have you any acquaintance with Sir James Graham?" It is not wonderful that the Attorney-General should have started up and thrown his buckler over the Secretary of the Home Department.

Sir James Graham has Ireland under his control. From the Home Office this prosecution directly emanates. Gamblers denounce dice—drunkards denounce debauch—against immoralities let wenchers rail. When Graham indicts for agitation his change of opinion may, for aught I know, be serious, nor have I from motives of partisanship the slightest desire, especially behind his back, to assail him; I will even go so far as to admit that his conversion may have been disinterested; but I do say that he is, of all men, the last under whose auspices a prosecution of this character ought to be carried on. The Reform Bill becomes the law of the land—the parliament is dissolved, and a new parliament is summoned and called together under the Reform Bill—and the very first measure adopted in that Reform parliament is a Coercion Bill for Ireland. The Attorney-General read a speech of Lord John Russell's in favor of coercion. He omitted to read the numerous speeches subsequently made by that noble person, in which his mistake with respect to Ireland is honorably confessed.

Gentlemen, I shall not go through the events of the last ten years in detail. It is sufficient to point out to you the various questions by which this unfortunate country has been successively convulsed. The Church Question. The Tithe question. The Municipal Bill. The Registration Bill. These questions, with their diversified ramifications, have not left us one moment's rest. Cabinets have been destroyed by them. The great parties in the state have fought for them. Ireland has supplied the fatal field for the encounter of contending parties. No single measure for the substantial and permanent amelioration of the country has been adopted; and here we are, at the opening of a new session of parliament, with a poor-rate on our estates, a depreciating tariff in our markets, and a state prosecution in her Majesty's Court of Queen's Bench.

Such, gentlemen, are the results of the system of policy adopted in that Imperial Parliament whose wisdom and whose beneficence have been made the theme for such lavish panegyric. Gentlemen, I do not know your political opinions. I do not know that there is any one man among you favorable to the Repeal of the Union; but if every one of you are fearful of that measure becoming ultimately the occasion of a dismemberment of the empire, still its discussion may not be useless. If the councils of the state were governed by no other considerations than those which are founded upon obvious justice; or if measures were to be carried by syllogisms, and government was a mere matter of dialectics, then all great assemblages of the people should, of course, be deprecated, and every exciting adjuration addressed to the passions of the people should be strenuously reproved. But it is not by ratiocination, that a redress of grievances can be obtained. The agitator must sometimes follow the example of the diplomatist, who asks for what is impossible, in order that what is possible may be obtained.

It must strike the least observant that when the government complains most vehemently of demagogue audacity, their resentment is the precursor of their concessions. Take, as an example, the landlord and tenant commission, which there are some conservatives who think will disturb the foundations of property, and against which Lord Brougham addressed his

admonitory deprecation to Sir Robert Peel. For my own part, I think it may lead to results greater than were contemplated; for it appears to me to have been chiefly intended as a means of diverting public attention from the consideration of the other great grievances of the country. The main source of all these grievances, I am convinced, is to be found in the colonial policy pursued with regard to this country. The Union never has been carried into effect. If it had, Ireland would not be a miserable dependent in the great imperial family. The Attorney-General expressed great indignation at the motto at Mullaghmast—"Nine millions of people cannot be dragged at the tail of any nation on earth." That sentiment is taken from a paragraph in the Morning Chronicle newspaper, and I have no hesitation in saying that I at once adopt it. To mere numbers, without intelligence, organization, or public spirit, I for one attach no value. But a great development of the moral powers of Ireland has taken place. Instruction is universally diffused. The elements of literature, through which political sentiment is indirectly circulated, are taught by the state. Ireland has, if I may so speak, undergone a species of transformation. By one who had seen her half a century ago, she would be scarcely recognized. The simultaneous, the miraculous abandonment of those habits to which Irishmen were once fatally addicted, at the exhortation of an humble friar, is a strong indication of what might be done by a good government with so fine a people. Without saying that the temperance movement affords a proof of the facility with which the national enthusiasm can be organized and directed, I think it is one among the many circumstances which should induce us to think that we have come to such a pass in this country that some great measures for its security and for its happiness are required.

I perceive the great literary organ of the Whig party has recently suggested many bold measures, which it represents as necessary for Ireland. There are numerous difficulties connected with some of the propositions to which I refer; but there is one which I consider to be as practicable as it is plain and just. It is recommended that the Imperial parliament should sit at certain intervals in this great city. I cannot see

any sound objection in the Imperial Parliament assembling in the month of October, for the discharge of Irish business alone, and that all imperial questions should be reserved until the London session commenced, as it now does in the month of February. The public departments, it is true, are all located in London; but during the Irish session a reference to those departments would not be required. Such a session might be inconvenient to English members; but the Repeal agitation and a state prosecution, like the present, are attended with inconveniences far greater than any which English members in crossing the Irish Channel would encounter. The advantages which would accrue from the realization of this project are of no ordinary kind. The intercourse of the two countries would be augmented to a great extent—their feelings would be identified—national prejudices would be reciprocally laid aside. An English domestication would take place. Instead of lending money upon Irish mortgages, Englishmen would buy lands in Ireland, and live upon them. The absentee drain would be diminished. The value of property would be very nearly doubled. Great public works would be undertaken; and the natural endowments of the country would be turned to account. This city would appear in renovated splendor. Your streets would be shaken by the roll of the gorgeous equipages in which the first nobles of the country would be borne to the senate house, from which the money changers should be driven. The mansions of the aristocracy would blaze with that useful luxury which ministers to the gratification of the affluent, and to the employment and the comforts of the poor. The sovereign herself would not deem the seat of her parliament unworthy of her residence. The frippery of the vicere-gal court would be swept away. We should look upon royalty itself, and not upon the tinsel image; we should behold the Queen of England, of Ireland, and of Scotland in all the pomp of her imperial regality, with a diadem—the finest diadem in the world—glittering upon her brow, while her countenance beamed with the expression of that sentiment which becomes the throned monarch better than the crown. We should see her accompanied by the prince of whom it is the highest praise to say that he has proved himself to be not unworthy of her.

We should see her encompassed by all the circumstances that associate endearment with respect. We should not only behold the Queen, but the mother and the wife, and see her from the highest station on which a human being could be placed, presenting to her subjects the finest model of every conjugal and maternal virtue.

I am not speaking in the language of a factitious enthusiasm when I speak thus. I am sure that this project is not only feasible but easy. If the people of this country were to combine in demanding it, a demand so just and reasonable could not be long refused. It is not subject to any one of the objections which attach to the Repeal Question. No rupture of the two parliaments—no dismemberment of the empire is to be apprehended. Let Irishmen unite in putting forth a requisition for a purpose which the minister would not only find expedient, but inevitable. But if you, gentlemen, shall not only not assist in an undertaking so reasonable and so safe, but shall assist the Attorney-General in crushing the men who have had the boldness to complain of the grievances of their country, you will lay Ireland prostrate; every effort for her amelioration will be idle; every remonstrance will not only be treated with disregard, but with disdain; and, for the next twenty years, we may as well relinquish every hope for our country.

Gentlemen, you may strike agitation dumb—you may make millions of mutes; but beware of that dreary silence, whose gloomy taciturnity is only significant of the determination of its fearful purpose. Beware of producing a state of things which may eventuate in those incidents of horror which every good man will pray God to avert, and which will be lamented by those who contribute to their occurrence when repentance like that of those who are forever doomed, shall be unavailing, and contrition shall be in vain. Gentlemen of the jury, I do not deny that strong speeches have been made by my client, and by the rest of the traversers; but I do deny that those speeches, when taken altogether, bear the interpretation put upon them. To this subject I shall revert. At present I entreat you to consider whether the speeches of Mr. John O'Connell are of a more exciting and inflammatory character than those which

are spoken in almost every popular assembly, whether it be Whig, Radical, or Conservative.

Mr. John O'Connell proposed the health of the Queen in language of enthusiastic loyalty at Mullaghmast, and added that the speech delivered by the Queen was the speech of the ministers, and could not be justly considered as the emanation of her own unbiased mind. This is, beyond all question, constitutional doctrine; although the Attorney-General took a most especial care not to mention this; indeed he made an ultra forensic endeavor to convey to you the impression that the traversers had spoken of her Majesty in the language of personal disrespect. He was hurried away so far by an unfortunate impetuosity as to start up during the trial and say that her Majesty had been spoken of as a fishwoman. For this most gross misrepresentation there is not the slightest shadow of foundation. In every speech in which any allusion to the Queen was made, the most profound deference was expressed for the sovereign, who enjoys the unaltered and unalterable confidence of her Irish people. Mr. John O'Connell may have used strong expressions, but he is not indicted for them. He is indicted for a conspiracy, and for nothing else. And even if he were indicted for these strong expressions, in the uniform habit of Englishmen in their public discussions, he would find a justification.

You, probably, have read some of the speeches made at the meetings of the Anti-Corn Law League. They were fully as violent as the Repeal harangues. The aristocracy is denounced as "selfish," "sordid," and "base-hearted." A total overthrow of the existing order of society is foretold; references are made to the French Revolution; and the great proprietors of the country are warned to beware. But the Anti-Corn Law League, it may be said, is a Radical institution. How is it the Tories themselves, when under the influence of partisanship, expressed themselves in reference to the sovereign herself? You cannot have forgotten the contumelies heaped upon the head of the Queen upon the resignation, in 1839, of Sir Robert Peel. I will not, gentlemen, disgust you by a more distinct reference to those traitorous diatribes, in which even clergymen took part. It is better we should inquire how it is

that gentlemen connected with these very prosecutions have thought it decorous to comport themselves when their own passions were excited. The name of the Right Honorable Frederick Shaw is attached to the proclamation. I hold in my hand the peroration of a speech delivered by that gentleman, and reported in the Evening Mail.

"The government might make what regulation it pleased; but he trusted the people knew their duty too well to submit to its enactments. It might degrade our mitres; it might deprive us of our properties; but if the government dared to lay its hand on the Bible, then we must come to an issue. It will cover it with our bodies. My friends, will you permit your brethren to call out to you in vain? In the name of my country and my country's God, I will appeal from a British House of Commons to a British people. My countrymen would obey the laws so long as they were properly administered; but if it were sought to lay sacrilegious hands on the Bible, to tear the standard of the living God, and to raise a mutilated one in its stead, then it would be no time to halt between two opinions—then, in every hill and every valley would resound the rallying cry of 'To your tents, O Israel!"

I won't ask the Attorney-General for Ireland what he thinks of this, because this speech refers to a subject somewhat embarrassing to him; and what his opinions are, upon the Education Board, it is not very easy to conjecture; but I may venture to ask the Solicitor-General, who is himself a commissioner of the Education Board, whether Daniel O'Connell, in his whole course of agitation, ever uttered a speech half so inflammatory as this? With respect to Mr. Sergeant Warren, he, I suppose, agrees in every word of it, and only laments, that, after so much sound and fury, the Recorder of Dublin is the steadfast supporter of the government, by whom all the misdeeds thus eloquently denounced have been subsequently committed.

Gentlemen, I find in the Evening Packet of the 24th of January, 1837, an account of a great Protestant meeting which took place at the Mansion House, where all the great representatives of the Conservative interests in this country were assembled. Some very strong speeches, indeed, were made at that meeting. The Earl of Charleville said, "Well, gentlemen, you have a rebellious parliament; you have a Lord Lieutenant the slave and minion of a rebellious parliament." That speech

was heard by the Right Honorable Thomas Berry Cusack Smith. Did he remonstrate against the use of language so unqualified? Not at all. He got up and made a speech, in which he stated that he was sorry to find that "Roman Catholic members of parliament paid so little regard to their oaths." When the right honorable gentleman had such impressions, I cannot feel surprised that care should have been taken to exclude every Roman Catholic from the jury-box. Let him not misapprehend me. I do not refer to his language in the spirit of resentment. Resentment is not the feeling which the conduct of the right honorable gentleman is calculated to produce.

The right honorable gentleman has expressed great indignation at the references made at Mullaghmast to transactions from which the veil of oblivion ought not to be withdrawn. He said, and justly enough, that men should not grope in the annals of their country for the purpose of disinterring those events whose resuscitation can but appall and scare us. But how does the right honorable gentleman reconcile that position with his having been himself a party to a resolution passed at the meeting of which I am speaking, in which it is stated that the condition of the Protestants of Ireland is almost as alarming as it was in the year 1641, when events took place from whose recollection we ought to turn with horror and dismay. I referred you, gentlemen, to speeches. Permit me now to refer you to the great monster meetings which have taken place in assertion of the rights of the Protestants of Ireland. Mark, I do not complain of those meetings. I do not complain that seventy-five thousand men should have assembled and moved in order of battle; but I do complain that the men who look upon those assemblages with so much indulgence, when the purposes of their own party were to be promoted, denounced, as treasonable, assemblies in which no such demonstration of organized and perfectly disciplined physical force was made.

The first meeting of the monster character to which I shall refer is the great Cavan meeting, where twenty thousand men assembled under circumstances of such deep impressiveness, as to render them equivalent in practical effect to five

times that number of such a peasantry as attended the Repeal demonstration. The following incident is illustrative: The Rev. Marcus Beresford stood up, and, after a speech in his accustomed vein, said:

"I see amongst us a good and honest man, from the county Monaghan, who rendered considerable service, by routing Mr. John Lawless from Ballibay—I mean Mr. Samuel Gray, and were I a poet I should introduce him to you by a couplet:

Here is Mr. Samuel Gray,
The Protestant hero of Ballibay.

He is a good, honest straightforward Protestant—as glad to see the Protestants of Cavan as they are to see him."

Mr. Samuel Gray, who appears to have been transported by the reception given him by his Protestant brethren, then came forward, and was received with loud cheers. He said:

"He was a very humble individual, and could only claim the merit of being a sincere and consistent Protestant. He knew the Orangemen of Monaghan well—they were all prepared, and in the hour of danger would be ready to assist their brethren. As long as the spirit of the Protestants of Ulster remained unbroken—as long as they stuck together heart and hand—so long may they defy Mr. O'Connell, aided by a Whig government, to put them down. Should the storm arise, a signal would be sufficient to bring him and the Orangemen of Monaghan to the assistance of their brethren."

But let us now proceed to the picturesque account given of the Hillsborough meeting, celebrated in the annals of Protestant agitation, by the Evening Mail:

At an early hour of the morning (some of them, indeed, over night) the great landed proprietors of the county repaired to the different points on their respective estates at which it had been previously agreed they should meet their tenants, and march then at their head to the general place of assemblage, so that the area in front of the hustings did not present a very crowded appearance, until the men arrived in large masses, each having the pride of marching, border fashion, shoulder by shoulder, beside his neighbor and brother, with whom he was ready to sacrifice life in defence of his country and religion. Shortly after eleven o'clock, a tremendous shout from the town announced the approach of the first party. They were from Moira, and were headed by the Reverend Holt Waring, who was drawn by the people. A flag, the union-jack, was hoisted at Mr. E. Reilly's, as the signal of their arrival. In a few mo-

ments they were seen descending the steep hill from town, and approaching the place of meeting in a close, dark, and dense mass, comprising certainly not less than twenty thousand persons. Having escorted Mr. Waring to the foot of the platform they received his thanks, expressed in warm and energetic language, and having given three cheers, deployed round and took the position assigned them. . . Amongst those who marched at the head of the largest battalion, if we may use the expression, were the Marquises of Londonderry and Downshire; Lord Clanwilliam, Sir Robert Bateson, Colonel Forde, Colonel Blacker, Lord Castlereagh, and Lord Roden. The latter had fifteen thousand men in his followers. They marched from Dromore. At twelve o'clock the scene was the most imposing that fancy could conceive, or that language possesses the power of depicting. The spectacle was grand, unique, sublime. There certainly could not have been, upon the most moderate computation, less than seventy-five thousand persons present, exclusive of the thousands who filled the town, or thronged to absolute impediment all the adjacent roads and avenues."

From that description, gentlemen, I turn to a resolution passed by the Irish Orangemen on the 12th November, 1834, and which I find in the appendix to the report from the select committee on Orange lodges:

"And, lastly, we would beg to call the attention of the Grand Lodge, and through them return our heartfelt thanks and congratulations to our brethren through the various parts of Ireland, who, in the meetings of three thousand in Dublin, four thousand at Bandon, thirty thousand in Cavan, and seventy-five thousand at Hillsborough, by their strength of numbers, the rank, the respectability, and orderly conduct of their attendance—the manly and eloquent expression of every Christian and loyal sentiment, vindicated so nobly the character of our institution against the aspersion thrown on it, as the 'paltry remnant of a faction.'"

That phrase, gentlemen, is one which Lord Stanley, in one of his wayward moods, was pleased to apply to the Orangemen of Ireland. Gentlemen, in the part of the report which I have read to you, there are some remarkable entries relating to a subject of which you have heard a good deal from the Attorney-General; and although I deviate, I am aware, from the order of topics which I had prescribed to myself, yet, finding in the book before me matter which seems to me to be exceedingly pertinent to that topic, I shall now advert to it. Gentlemen, the entries to which I am alluding are these:

"15th February, 1833, William Scott, 16th company Royal Sappers and Miners. That the committee would most willingly forward all documents connected with the Orange system to any confidential persons in Ballymona, as prudence would not permit the printed documents should be forwarded direct to our military brethren."

"1st January, 1834.—Resolved, that warrant 1592 be granted to Joseph Mins, of the 1st Royals.

"17th December, 1829, moved by the Rev. Charles Boyton, seconded by Edward Cottingham, that the next warrant number be issued to the 66th regiment, and that the Quebec brethren be directed to send in a correct return, in order that new warrants may be issued."

Gentlemen, I refer you to these resolutions with no other view than to show you what proceedings men who conspire to establish an influence over the army naturally adopt. If it was the object of the traversers to seduce the army from their allegiance, would not expedients have been adopted very different from those imputed to the defendants? Would not repeal societies have been formed? Would not a clandestine correspondence have taken place with the "military brethren?" Would not money have been distributed to the soldiery? Would not the propagators of mutiny have been located in the public-houses frequented by the soldiery? Would not Roman Catholic priests who attend at the military hospitals, have been charged to instill repeal principles into the soldier's ear? Does anything of this kind appear to have been done? A letter written by the Rev. Mr. Power—a Waterford priest, who is not made a defendant—who is not to be punished for his letter—is given in evidence against my client, although he is as innocent of its composition as the foreman of your jury. When that letter appeared in the Nation newspaper, why was not an *ex officio* information filed against the Rev. Mr. Power, whose manuscript would most certainly have been given up? But that would not have answered the purpose of the Attorney-General, whose object it was to ensnare. The Attorney-General has not suggested a reason, or glanced at a pretence for not having indicted Father Power. He read his letter from the beginning to the termination. He told you that it was written by a priest—that his name was to it. He does not prosecute the priest—he does not prosecute the paper, but reserves it for the conspiracy on which his official renown is to

be founded. What gentlemen, has been the course adopted by the government in those prosecutions? Sir Edward Sugden begins by dismissing some of the most respectable magistrates of the country, on account of something or other that was said in the House of Commons, and because "the meetings gave a tendency to outrage." The direct contrary has been proved by every one of the witnesses for the Crown, and Mr. Ross, the clandestine sub-inspector of the Home Office, in the very last words of his examination, stated that he saw no tendency to outrage whatsoever. Lord Cottenham declared in the House of Lords, that the proceeding of the Lord Chancellor was utterly unconstitutional. Let me be permitted, gentlemen, to contrast the proceedings adopted by the Lord Chancellor of Ireland with the doctrines laid down in the charge of Mr. Baron Alderson, in his charge to the grand jury, delivered at the Monmouth summer assizes, 1839. It is reported in the 9th Carrington and Payne, page 95:

"There is no doubt that the people of this country have a perfect right to meet for the purpose of stating what are, or even what they consider to be, their grievances; but in order to transmit that right unimpaired to posterity, it is necessary that it should be regulated by law and restrained by reason. Therefore, let them meet if they will in open day, peaceably and quietly; and they would do wisely, when they meet, to do so under the sanction of the constituted authorities of the country. To meet under irresponsible presidency is a dangerous thing. Nevertheless, if when they do meet under that irresponsible presidency they conduct themselves with peace, tranquillity, and order, they will, perhaps, lose their time, but nothing else. They will not put other people into alarm, terror, and consternation. They will probably in the end come to the conclusion, that they have acted foolishly; but the constitution of this country did not, God be thanked, punish persons who mean to do that which was right, in a peaceable and orderly manner, and who are only in error in the views which they have taken on some subject of political interest."

Has a single respectable gentlemen of station, and rank, and living in the vicinity of the place where any of those meetings were held, been produced to state to you that they were the source of apprehension in the neighborhood? Has any man been produced to you who stated that they had even a tendency to outrage? Not one.

[Mr. Sheil was interrupted at this period of his address by an intimation that the jury wished to retire for refreshment.]

Mr. Sheil, when their lordships returned into court, resumed as follows: I have already called attention to the fact that none of the gentry of the country were brought forward to state what the character of these meetings was. All the official persons examined—among whom were several of the high constables of the various districts—concurred in stating that there was no violation of the peace at any of them. Indeed, the assertion of the Attorney-General was, that the peace was kept—kept with the malevolent intention of enabling the whole population to rise at a given time, and establish a republic, of which Mr. O'Connell was to be the head. Forty-one of these meetings were held—all of the same character—and at length a proclamation was determined on and issued for the purpose of putting a stop to the Clontarf meeting. You have heard the remarks of Mr. O'Connell, in reference to the course adopted towards that meeting, and to me they appear extremely reasonable. Notice of that meeting had been given for three weeks, yet the proclamation was not published until the day before that on which it was to have taken place. Mr. O'Connell did not charge the government, when acting in this way, and delaying its measures till the last moment, with being capable of such an atrocious and destructive attempt on the lives of the people, as might have been perpetrated by sending the army amongst an unarmed populace, if the meeting had taken place. Such an event might have taken place; and it is to be regretted that a more timely warning, one that would have removed all doubt and uncertainty, was not given.

I pass this consideration by, and come to another point. It is a usual practice—a rule in fact—that when a privy council is to assemble, summonses are directed to be issued to all privy councillors, being within the vicinity of the city of Dublin. On this occasion such summonses were not issued. I am given to understand that Chief Baron Brady, who is in the habit of attending at councils, was not summoned. The Right Honorable Anthony Richard Blake, a Roman Catholic gentleman, who was appointed Chief Remembrancer of the Exchequer under a Troy administration—the intimate friend of

the Marquis Wellesley—a man who had never appeared in public assemblies, or interfered in the proceedings of public meetings—a man who had never uttered an inflammatory harangue in his life—that gentlemen did not receive a summons. I will make no comment on this omission of the government on this occasion, but such undoubtedly is the fact. I have told you who did not receive summonses, and I shall proceed to state who did receive them. The Recorder of the city of Dublin—by whom the jury list was to be revised—he received a summons. In his department it was that an event most untoward, as respects the traversers, befell. It was suggested in this court that the jury list possibly might have been mutilated or decimated—for decimation it was—by an accident—perhaps by a rat, as was suggested by one of the court.

I am far from suggesting that there was any intentional foul play in this decimation, but that a large portion of the list was omitted is beyond a doubt. I state the fact and make no comment on it. Well, an application was made for the names of the witnesses on the back of the document, on behalf of the traversers. One of the judges declared he thought it matter of right; another of the judges intimated his opinion that it would be advisable for the Crown to furnish the list within a reasonable time. From that day to this the list has never been given. The list of jurors is drawn by ballot: there are eleven Catholics upon it. They are struck off. The trial comes on. A challenge is put into the array, upon the ground that one tenth, or very nearly one tenth of the jury list was suppressed. One of the court expresses an opinion that the challenge is a good one. His brethren differ from him; but when in a trial at bar, at the instance of the Crown, one of the judges gives an intimation so unequivocal as to the construction of the jury list, perhaps it would have been more advisable for the Crown to have discharged the order for a special jury, and to have directed the high sheriff of the city to have returned a panel.

I mention these incidents, gentlemen, in order that your feeling that the traversers have been deprived of some of those contingent benefits given them by the law, should give them

an equivalent for any loss which they may have sustained in your anxious performance of your sacred duty. At length, in the midst of profound silence, the Attorney-General states the case for the Crown, and consumes eleven hours in doing so. I was astonished at his brevity, for the pleading on which his speech was founded is the very Behemoth of indictments, which, as you see, "upheaves its vastness" on that table. Nothing comparable in the bigness of its gigantic dimensions has ever yet been seen. The indictment in Hardy's case, whose trial lasted ten or eleven days, does not exceed three or four pages; but this indictment requires an effort of physical force to lift it up. Combined with this indictment was a tremendous bill of particulars in keeping with it.

Gentlemen, the Attorney-General, as I have already observed to you at the outset of these observations, denounced the traversers at the close of almost every sentence that was uttered by him; but it struck me that it was only in reference to two of these charges that he broke forth in a burst of genuine and truly impassioned indignation. The first of those charges was—a conspiracy to diminish the business of a court of law. How well the great Lord Chatham exclaimed—I remember to have read it somewhere, but I forget where—"Shake the whole constitution to the centre, and the lawyer will sit tranquil in his cabinet; but touch a single thread in the cobwebs of Westminster Hall, and the exasperated spider crawls out in its defence." The second great hit of the right honorable gentlemen was made when he charged Mr. O'Connell with a deplorable ignorance of law, in stating certain prerogatives of the Crown.

With respect, gentlemen, to the arbitration courts, the Society of Friends are as liable to an indictment for conspiracy as the defendants. The regulations under which the Quaker arbitration system is carried on will be laid before you; and the opinions of Lord Brougham, who has always been the strenuous advocate of the arbitration system, will, I am sure, have their due weight upon you. With regard to Mr. O'Connell's alleged mistake, respecting the power of the Crown to issue writs—what is it, after all, but a project for swamping the House of Commons, analogous to that of Sir Ja mes Graham and

my Lord Stanley for swamping the House of Lords? The plain truth is this—the sovereign has the abstract right to create new boroughs. But the exercise of that right might be regarded as inconsistent with the principles of the constitution. Lord Denman and one of his late Majesty's law advisers in the House of Commons distinctly asserted the right to issue writs; and although that opinion was reprehended by Sir Charles Wetherell, I believe that of its being strict law there can be little doubt.

But the real question between the Attorney-General and the traversers, and the only one to which you will be disposed to pay much regard, was raised by the Attorney-General when he said that there existed a dangerous conspiracy, of which the object was to prepare the great body of the people to rise at a signal, and to erect a sanguinary republic, of which Daniel O'Connell should be the head. Gentlemen, how do men proceed who engage in a guilty enterprise of this kind? They bind each other by solemn oaths. They are sworn to secrecy, to silence, to deeds, or to death. They associate superstition with atrocity, and heaven is invoked by them to ratify the covenants of hell. They fix a day, an hour, and hold their assemblages in the midst of darkness and of solitude, and verify the exclamation of the conspirator, in the language of the great observer of our nature :

> "Oh, Conspiracy,
> Where wilt thou find a cavern dark enough
> To hide thy monstrous visage ?"

How have the repeal conspirators proceeded? Every one of their assemblages has been open to the public. For a shilling, all they said, or did, or thought, was known to the government. Everything was laid bare and naked to the public eye; they stripped their minds in the public gaze. No oaths, no declaration, no initiation, no form of any kind was resorted to. They did not even act together. Mr. Duffy, proprietor of the Nation, did not attend a single meeting in the country. My client attended only three : Mr. Tierney, the priest, attended no more than one. It would have been more manly on the part of the Attorney-General to have indicted Dr. Higgins or Dr. Cantwell, or, as he was pleased to designate them,

Bishop Higgins and Bishop Cantwell. Well, why did he not catch a bishop—if not Cantwell, at all events Higgins? For three months we heard nothing but "Higgins, Higgins, Higgins." The Times was redolent of Higgins; sometimes he was Lord Higgins, then he was Priest Higgins, afterwards Mr. Higgins. But wherefore is not this redoubted Higgins indicted, or why did you not assail the great John of Tuam himself? He would not have shrunk from your persecution, but, with his mitre on his head and his crozier in his hand, he would have walked in his pontifical vestments into jail, and smiled disdainfully upon you. But you did not dare to attack him, but fell on a poor Monaghan priest, who only attended one meeting, and only made one speech about the "Yellow Ford," for which you should not include him in a conspiracy, but should make him professor of rhetoric at Maynooth.

Gentlemen, an enormous mass of speeches delivered by Mr. O'Connell within the last nine months has been laid before you. I think, however, you will come to the conclusion that they are nothing more than a repetition of the opinions which he expressed in 1810; and when you come to consider them in detail, you will, I am sure, be convinced that these speeches were not merely interspersed with references to peace and order, with a view to escape from the law, but that there runs through the entire mass of thought that came from the mind of Mr. O'Connell a pervading love of order, and an unaffected sentiment of abhorrence for the employment of any other than loyal, constitutional, and pacific means for the attainment of his object. He attaches fully as much importance to the means as to the end. He declares that he would not purchase the repeal of the Union at the cost of one drop of blood. He announces that the moment the government calls upon him to disperse his meetings, these meetings shall be dispersed. He does but ask "the Irish nation to back him;" for from that backing he anticipates the only success to which, as a good subject, as a good citizen, and as a good Christian, he could aspire.

But if, gentlemen, it be suggested that in popular harangues obedience to the laws and submission to authority are easily simulated, I think I may fearlessly assert that of the charges

preserved against him his life affords the refutation. A man cannot wear the mask of loyalty for forty-four years; however skillfully constructed, the vizor will sometimes drop off, and the natural truculence of the conspirator must be disclosed. You may have heard many references made to the year 1798, and several stanzas of a long poem have been read to you, in order to fasten them on Mr. O'Connell.

It was in 1798 that the celebrated man was called to the bar, who was destined to play a part so conspicuous on the theatre of the world. He was in the bloom of youth—in the full flush of life—the blood bounded in his veins, and in a frame full of vigor was embodied an equally elastic and athletic mind. He was in that season of life, when men are most disposed to high and daring adventure. He had come from those rocks and mountains, of which a description so striking has appeared in the reports of the speeches which have been read to you. He had listened, as he says, to the great Atlantic, whose surge rolls unbroken from the coast of Labrador. He carried enthusiasm to romance; and of the impressions which great events are calculated to make upon minds like his, he was peculiarly susceptible. He was unwedded. He had given no hostages to the state. The conservative affections had not tied their ligaments, tender, but indissoluble about his heart. There was at that time an enterprise on foot; guilty, and deeply guilty, indeed, but not wholly hopeless. The peaks that overhang the Bay of Bantry are dimly visible from Iveragh. What part was taken in that dark adventure by this conspirator of sixty-nine? Curran was suspected—Grattan was suspected. Both were designated as traitors unimpeached; but on the name of Daniel O'Connell a conjecture never lighted.

And can you bring yourselves to believe that the man who turned with abhorrence from the conjuration of 1798, would now, in an old age, which he himself has called not premature, engage in an insane undertaking, in which his own life, and the lives of those who are dearer to him than himself, and the lives of hundreds of thousands of his countrymen, would, beyond all doubt, be sacrificed? Can you bring yourselves to believe that he would blast the laurels, which it is his boast that he has won without the effusion of blood—that he would

drench the land of his birth, of his affections, and of his redemption, in a deluge of profitless massacre, and that he would lay prostrate that great moral monument which he has raised so high that it is visible from the remotest region of the world? What he was in 1798, he is in 1844.

Do you believe that the man who aimed at a revolution would repudiate French assistance, and denounce the present dynasty of France? Do you think that the man who aimed at revolution, would hold forth to the detestation of the world, the infamous slavery by which the great trans-Atlantic republic, to her everlasting shame, permits herself to be degraded? Or, to come nearer home, do you think that the man who aimed at revolution, would have indignantly repudiated the proffered junction with the English Chartists? Had a combination been effected between the Chartists and the Repealers it would have been more than formidable. At the head of that combination in England was Mr. Feargus O'Connor, once the associate and friend of Daniel O'Connell. The entire of the lower orders in the north of England were enrolled in a powerful organization. A league between the Repealers and the Chartists might have been at once effected. Chartism uses its utmost and most clandestine efforts to find its way into this country. O'Connell detects and crushes it. Of the charges preferred against him, am I not right when I exclaim that his life contains the refutation? To the charge that Mr. O'Connell and his son conspired to excite animosity amongst her Majesty's subjects, the last observation that I have made to you is more peculiarly applicable.

Gentlemen, Mr. O'Connell and his co-religionists have been made the objects of the fiercest and coarsest vituperation; and yet I defy the most acute and diligent scrutiny of the entire of the speeches put before you, to detect a single expression—one solitary phrase—which reflects in the remotest degree upon the Protestant religion. He has left all the contumely heaped upon the form of Christianity which he professes utterly unheeded, and the Protestant Operative Society has not provoked a retort; and every angry disputant has, without any interposition on his part, been permitted to rush in "where nagels fear to tread."

The religion of Mr. O'Connell teaches him two things—charity towards those who dissent from him in doctrine, and forgiveness of those who do him wrong. You recollect (it is from such incidents that we are enabled to judge of the characters and feelings of men)—you remember to have heard in the course of the evidence frequent reference made to Sir Bradley King. The unfortunate man had been deprived of his office, and all compensation was denied him. He used to stand in the lobby of the House of Commons, the most desolate and hopeless looking man I ever saw. The only one of his old friends that stuck to him was Baron Lefroy. But the Baron Lefroy had no interest with the government. Mr. O'Connell saw Bradley King, and took pity on him. Bradley King had been his fierce political, almost his personal antagonist. Mr. O'Connell went to Lord Althorpe, and obtained for Bradley King the compensation which had been refused him. I remember having read a most striking letter addressed by Sir Abraham Bradley King to Mr. O'Connell, and asked him for it. He could not at first put his hand upon it; but, while looking for it, he mentioned that soon after the death of the old Dublin alderman, an officer entered his study, and told him that he was the son-in-law of Sir Abraham, who had, a short time before his death, called him to his bedside, and said: "When I shall have been buried, go to Daniel O'Connell, and tell him that the last prayer of a grateful man was offered up for him, and that I implore heaven to avert every peril from his head." Mr. O'Connell found the letter; you will allow me to read it:

"Barrett's Hotel, Spring Garden, 4th Aug., 1832.

"My Dear Sir:—The anxious wish for a satisfactory termination of my cause, which your continued and unwearied efforts for it have ever indicated, is at length accomplished; the vote of compensation passed last night.

"To Mr. Lefroy and yourself am I indebted for putting the case in the right light to my Lord Althorpe, and for his lordship's consequent candid and straightforward act, in giving me my just dues, and thus restoring myself and family to competence, ease, and happiness.

"To you, sir, to whom I was early and long politically opposed—to you, who nobly forgetting this continued difference of opinion, and who, rejecting every idea of party feeling or party spirit, thought only of my

distress, and sped to succor and support me, how can I express my gratitude? I cannot attempt it. The reward, I feel, is to be found only in your own breast, and I assure myself that the generous feelings of a noble mind will cheer you on to that prosperity and happiness which a discriminating Providence holds out to those who protect the helpless, and sustain the falling.

"For such reward and happiness to you and yours my prayers shall be offered fervidly, while the remainder of my days, passing, I trust, in tranquillity, by a complete retirement from public life, and in the bosom of my family, will constantly present to me the grateful recollection of one to whom I am mainly indebted for so desirable a closing of my life. Believe me, my dear sir, with the greatest respect and truth, your faithful servant, ABRAHAM BRADLEY KING.

"TO MR. DANIEL O'CONNELL, ESQ., M. P."

You may deprive him of liberty—you may shut him out from the face of nature, you may inter him in a dungeon, to which a ray of the sun never yet descended; but you never will take away from him the consciousness of having done a good and a noble action, and of being entitled to kneel down every night he sleeps, and to address to his Creator the divinest portion of our Redeemer's prayer. The man to whom that letter was addressed, and the son of the man to whom that letter was addressed, are not guilty of the sanguinary intents which have been ascribed to them, and of this they "put themselves upon their country." Rescue that phrase from its technicalities—let it no longer be a fictitious one; if we have lost our representation in the parliament, let us behold it in the jury box, and that you participate in the feelings of millions of your countrymen let your verdict afford a proof.

But it is not to Ireland that the aching solicitude with which the result of this trial is intently watched, will be confined. There is not a great city in Europe in which, upon the day when the great intelligence shall be expected to arrive, men will not stop each other in the public way, and inquire whether twelve men upon their oaths have doomed to incarceration the man who gave liberty to Ireland? Whatever may be your adjudication he is prepared to meet it. He knows that the eyes of the world are upon him—and that posterity—whether in a jail or out of it—will look back to him with admiration; he is almost indifferent to what may befall him, and is far more solicitous for others at this moment than for himself. But I—at

the commencement of what I have said to you—I told you that I was not unmoved, and that many incidents of my political life, the strange alternations of fortune through which I have passed, had come back upon me. But now the bare possibility at which I have glanced, has, I acknowledge, almost unmanned me. Shall I, who stretch out to you in behalf of the son the hand whose fetters the father has struck off, live to cast my eyes upon that domicile of sorrow, in the vicinity of this great metropolis, and say, "'Tis there they have immured the Liberator of Ireland with his fondest and best beloved child?" No! it shall never be! You will not consign him to the spot to which the Attorney-General invites you to surrender him. When the spring shall have come again, and the winter shall have passed—when the spring shall have come again, it is not through the windows of a prison-house that the father of such a son, and the son of such a father, shall look upon those green hills on which the eyes of many a captive have gazed so wistfully in vain; but in their own mountain home again they shall listen to the murmurs of the great Atlantic; they shall go forth and inhale the freshness of the morning air together; "they shall be free of mountain solitudes;" they will be encompassed with the loftiest images of liberty upon every side; and if time shall have stolen its suppleness from the father's knee, or impaired the firmness of his tread, he shall lean on the child of her that watches over him from heaven, and shall look out from some high place far and wide into the island whose greatness and whose glory shall be forever associated with his name.

In your love of justice—in your love of Ireland—in your love of honesty and fair play I place my confidence. I ask you for an acquittal, not only for the sake of your country, but for your own. Upon the day when this trial shall have been brought to a termination, when, amidst the hush of public expectancy, in answer to the solemn interrogatory which shall be put to you by the officer of the court, you shall answer, "Not guilty," with what a transport will that glorious negative be welcomed! How will you be blessed, adored, worshipped; and when retiring from this scene of excitement and of passion, you shall return to your own tranquil homes, how

pleasurably will you look upon your children, in the consciousness that you will have left them a patrimony of peace by impressing upon the British cabinet, that some other measure besides a state prosecution is necessary for the pacification of your country!

THE IRISH STATE TRIALS.

SPEECH IN THE HOUSE OF COMMONS, FEBRUARY 22, 1844.

I DID not rise last night at the conclusion of the speech of the Attorney-General for Ireland, for two reasons. The first was, that that speech did not terminate until nearly twelve, and I despaired of engaging the attention of the House at so late an hour; in the next place, I was anxious that the right honorable and learned gentleman should afford me an opportunity of looking at the report of the case in which I was engaged fifteen years ago, to which he has thought it judicious to advert. I wished to look at that report for the purpose of vindicating myself from what I regard as a very serious charge. I applied to the right honorable gentleman for the report, and he had the goodness at once to give it to me. This House must have been under the impression that I packed a jury, and that it was exclusively Roman Catholic. The House must have thought that I exercised the prerogative vested in me by the Crown, with the sanction of the law officers, for the purpose of placing in the jury-box twelve men, my own co-religionists, and the co-religionists of the person for whose death the prosecution was instituted.

The right honorable gentleman said that he was present on that occasion; I think he will admit the truth of my assertion, that of my conduct in the course of that prosecution the attorney and counsel for the prisoner did not complain, and the regular counsel for the Crown did not intimate that any fault was to be found with my conduct. In order to obtain a mixed

jury, I was under the necessity, as the prisoner challenged every Catholic, to set aside Protestants, until I could obtain the religious combination which I desired to effect. It may be said that I gave the Catholics a majority of one on the jury; but when you recollect that unanimity was required for a conviction, you will at once perceive that a preponderance of one was of no consequence. If the Irish Attorney-General had followed my example in the state prosecutions, and out of the common panel had allowed five Catholics to remain on the jury, we should not have impeached his verdict.

The Attorney-General has brought against me a very serious charge—he said that where a man was on his trial for his life, I acted a most censurable part. His book refutes him. I find in it a report of my speech; and in order to prove that I did not hunt down the defendant with a bloodhound sagacity, I hope I shall be forgiven if I read one or two passages, which will show the House the spirit in which the prosecution was conducted. I hope the House will listen to this self-vindication, if not with interest at least with indulgence; and I must say that I never saw an occasion on which that feeling of the House of Commons was more strongly manifested than it had been last night, in listening to a speech of the right honorable and learned gentleman, distinguished for ability, and, let me add, for moral courage. The following is the commencement of the speech made by me in the case to which the Attorney-General refers:

"I am counsel in a case which the gentleman to whom the Attorney-General habitually confides the enforcement of the law have permitted me, at the instance of the persons interested in the prosecution, to conduct. I trust that I shall not abuse the license which has been afforded me. I feel that I am invested with a triple trust. The first is that which I owe my client, for whom I do not ask for vengeance, but for that retribution for which the instincts of nature make in the bosom of a parent their strong and almost sacred call. My client is the mother of the boy for whose death the prisoner at the bar stands arraigned. I owe the next duty to Mr. Pearse himself. If I am asked in what particular I am bound to him, I answer that I cannot avoid entertaining for him that sentiment of commiseration which every well-minded man will extend to one who may be really innocent of a crime, the imputation of which is itself a misfortune; and I do assure you (he will permit me, I hope, to extend the assurance to himself) that it is with melancholy that

I raise my eyes and see him occupying the place where guilt and misery are accustomed to stand. To him I owe it as an obligation that I should not abuse the advantage of delivering a statement to which his counsel cannot reply. The scriptural injunction inscribed above that seat of justice, admonishes me that I ought not to make any appeal to your passions against a man whose mouth is closed, and to whose counsel the right of speaking, by an equally cruel and fantastic anomaly, is refused by the law. '*Aperi os tuum, muto,*' is written there in golden characters, not only to suggest to your lordship the duty of a judicial interposition on behalf of the silent, but also to warn the advocate not to avail himself in any merciless spirit of his forensic prerogative against the man whom the law has stricken dumb. I shall make it superfluous on the part of his counsel to produce evidence in favor of his character —he is a man of worth and honor, and until the fatal event for which he stands indicted, has borne a reputation for peculiar kindness of heart."

After stating the facts I concluded thus:

"At the outset of my statement I expressed myself in praise of the defendant, and, as I advance to a conclusion, I pause for an instant to reiterate my panegyric. He has been, I repeat it, up to the time of this incident, a humane and well-conducted man. Let him have the full benefit of this commendation. If it shall appear that under circumstances which constitute a necessity, and in obedience to the instinct of self-preservation he exclaimed 'fire!' then I am the very first to call on you to acquit him."

This is not the language of a man actuated by the fierce zeal of a relentless prosecutor; I think it far less vehement than the charges of judges which we occasionally hear in Ireland. At the conclusion of the evidence, I told the judge that I thought that no case for charging the defendant with murder had been made out. I do think that the Attorney-General, in reverting to a trial which took place fifteen years ago, has not acted with ingenuousness, and I am convinced that in the opinion of the House I have freed myself from the imputation that I did not exercise the prerogative of the Crown with the intent attributed to me; and if the right honorable gentleman had followed the example which I gave him on that occasion—if, in the constitution of the jury in Dublin, he had taken care that there should be five Roman Catholics and seven Protestants upon it—nay, if he had allowed even two, or one Roman Catholic upon that jury, I think he would

have taken not only a more merciful but a more judicious course than that which he did adopt.

The jury that sat in Dublin on the late trial was composed of twelve Protestants, and the House has not yet been apprised of some circumstances connected with their selection. Eight of those jurors voted against Mr. O'Connell at the several elections at which that honorable gentleman was candidate for the city of Dublin. I do not mean to say that they had not a most perfect right to do so, or that because they had voted against him they ought of necessity to have been set aside by the Crown, or that they were unfit to exercise the duties of jurors in his case; but we have first the fact of every Roman Catholic on the jury list being set aside, and then we have a jury of persons admittedly hostile to him selected.

There was a controversy last night respecting Mr. Thompson. A doubt was entertained as to the fact whether he had seconded a resolution at a corporation meeting. I believe the fact is beyond all doubt. The resolution was to this effect: "That this meeting will support and maintain, by every means in its power, the Legislative Union between Great Britain and Ireland."

There was another gentleman of more marked politics—Mr. Faulkner. It will be found in Saunders's News Letter of the 14th of February, 1840, that at a meeting of Protestants, convened by the Lord Mayor in pursuance of a resolution of the Common Council, and held in the King's Room at the Mansion House, a Mr. Jones is reported to have said: "I call on the meeting by every consideration to stand by their principles, and above all, to maintain the Protestant ascendency in church and state," and then followed loud and long-continued cheering, with shouts of "no surrender," and "one cheer more." Mr. Faulkner, who was one of the jury, proposed the third resolution, and that resolution was this: "That this meeting views with deep alarm the bill introduced into parliament which proposes to interfere with the municipal corporations of Ireland, and which transfers the rights of Protestants to the Roman Catholic party in Ireland." And on another occasion, in a speech of his, reported in Saunders's News Letter of the 13th of April, and also in the Evening Mail, Mr.

Faulkner called upon the meeting to uphold the Protestant ascendency in church and state, and gave the charter toast. Some friend asked what was the charter toast? and Mr. Faulkner said, "I mean the glorious and immortal memory of the great and good King William." That gentleman ought to have been struck off. I think the House, when it considers the facts of the case—when it looks to the variety of the circumstances connected with the case, will consider these facts to be material in determining whether the jury were legitimately selected? Mr. O'Connell might have begun his speech to the jury in the words of the unfortunate Lewis: "I look for judges, but I behold none but accusers here."

I turn to the circumstances connected with the prosecution: the Attorney-General has overlooked many incidents which he ought to have stated and which he ought to have known would not be kept back. You have obtained what you regard as a victory over the leader of the Catholic people. That victory has been obtained by you through the instrumentality of a Protestant jury. If it was fairly won, I am free to acknowledge that it is not unnaturally followed by that ministerial ovation in which the Secretary for the Colonies and the Secretary for the Home Department have not thought it indecorous to indulge; but if that victory has been unfairly won—if, while you adhere to the forms of law, you have violated the principles of justice; if a plot was concocted at the Home Office, and executed in the Queen's Bench; if, by an ostensible acquiescence in monster meetings for nine months, you have decoyed your antagonists into your toils; if foully or fortuitously (and whether fortuitously or foully the result is the same) a considerable fraction of the jury list had been suppressed; if you have tried the Liberator of the Irish Catholics with a jury of exasperated Protestants; if justice is not only suspected, but comes tainted and contaminated from her impure contact with authority—then, not only have you not a just cause for exultation, but your successes are of that sinister kind which are as fatal to the victors as to the vanquished—which will tarnish you with an ineffaceable discredit, and will be followed at last by a retribution, slow indeed, but, however tardy, inevitably sure. I have presented a double hypothesis to the House. Let us see to

which of the alternatives the facts ought to be applied. I shall be permitted, in the first instance, to refer to an observation made by the Secretary for Ireland in reference to myself. The noble lord said :

"He must now advert to something which had fallen from a member of that House out of doors regarding Chief Baron Brady, and Mr. Anthony Blake. It had been observed by Mr. Sheil, that an insult had been offered to the Catholics of Ireland because those gentlemen had not been summoned to a meeting of the council. He believed Chief Baron Brady was a Protestant. But let that pass. He took on himself the responsibility of not summoning those gentlemen to the council. He thought that the measure determined on was the deliberate act of government, and he did not, therefore, think it proper to ask the opinion of political opponents."

What I said was this :

"A circumstance occurred connected with the proclamation which is not undeserving of note. It has always been the usage in this country, (Ireland) to summon every member of the Privy Council. Upon this occasion, the Chief Baron, although living in the neighborhood of Dublin, was not summoned, and Mr. Blake, a Roman Catholic, who lives in Dublin, was not summoned. He was appointed to the office of Chief Remembrancer by a Tory government. He had been the intimate friend of Lord Wellesley, a great Conservative statesman. He had never taken any part in any violent proceedings, but he was not summoned upon this occasion, although summoned upon every other, to the Privy Council ; while the recorder of the city of Dublin, by whom the jury list was to be revised, and in whose department an accident of a most untoward kind had happened, was summoned to the council whence the proclamation went forth."

That was what I said, and I take advantage of this opportunity to add, that if Mr. Blake had been at the Privy Council on Friday, he would have urged his associates not to delay the posting of the proclamation until Saturday, but would have told them, that, without any long recitals, immediate notice should be given to the people of the determination of the government. Notice of the Clontarf meeting was given for three weeks. It was to have been held upon Sunday. On the preceding Friday the council assembled. On that day the proclamation ought to have been prepared and posted. It did not appear until Saturday afternoon, and the country is in-

debted to Mr. O'Connell, if upon an unarmed multitude an excited soldiery was not let loose. The proclamation was obeyed. With that obedience you ought to have been contented. The monster meetings were at an end; but you had previously determined to prosecute for a conspiracy, and for that purpose you lay in wait for nine months, and that you did the proclamation itself affords a proof. The proclamation recites:

"Whereas meetings of large numbers of persons have been already held in different parts of Ireland, under the like pretence, at several of which meetings, language of a seditious and inflammatory nature has been addressed to the persons there assembled, calculated and intended to excite disaffection in the minds of her Majesty's subjects, and to bring into hatred and contempt, the government and constitution of the country, as by law established; and whereas, at some of the said meetings, such seditious and inflammatory language has been used by persons," etc.

If this statement be true, why did you not long before indict the individuals by whom those seditious speeches were delivered? Why did you not prosecute the newspapers by which inflammatory paragraphs had been almost daily published, for a period of nine months? The motive was obvious. It was your purpose—your deliberate and long meditated purpose to make Mr. O'Connell responsible for harangues which he had never spoken, and for publications which he had never read. I content myself with giving a single instance, which will afford, however, a perfect exemplification of the whole character of your proceedings. A Catholic priest published an article in the Pilot newspaper, upon "The Duty of a Soldier." He signed his name, James Power, to that article. He was never prosecuted—he was never threatened; he has escaped with perfect impunity; but that article was given in evidence against Daniel O'Connell, by whom it does not appear that it was even ever seen. Such a proceeding never was instituted in this country—such a proceeding, I trust in God, never will be instituted in this country—for Englishmen would not endure it; and this very discussion will tend to awaken them to a sense of the peril to which they are themselves exposed.

Does not the question at once present itself to every body, if that seditious language was employed for so long a period as nine months, why did you not prosecute it before? Why did you not prosecute such an article as this which I hold in my hand, and which was published so far back as the first of April, 1843? You might have proceeded by criminal information or indictment, for the publication of a poem in the Nation newspaper, on which her Majesty's Attorney-General entered into a somewhat lengthened expatiation in addressing the jury, and declared it to be a poem of a most inflammatory character. I allude to verses entitled, "The Memory of the Dead."

"Who fears to speak of Ninety-eight?
Who blushes at the name?
When cowards mock the patriot's fate,
Who hangs his head for shame?
He's all a knave, or half a slave,
Who slights his country thus;
But a true man, like you, man,
Will fill your glass with us.

"We drink the memory of the brave,
The faithful and the few—
Some lie far off beyond the wave,
Some sleep in Ireland too;
All—all are gone—but still lives on
The fame of those who died;
All true men, like you, men,
Remember them with pride.

"Some on the shores of distant lands
Their weary hearts have laid,
And by the stranger's heedless hands
Their lonely graves were made.
But though their clay be far away
Beyond the Atlantic foam—
In true men, like you, men,
Their spirit's still at home.

"The dust of some is Irish earth;
Among their own they rest;
And the same land that gave them birth
Has caught them to her breast;
And we will pray that from their clay

Full many a race may start
Of true men, like you, men,
To act as brave a part.

"They rose in dark and evil days
To right their native land;
They kindled here a living blaze
That nothing shall withstand.
Alas! that Might can vanquish Right—
They fell and passed away;
But true men, like you, men,
Are plenty here to-day.

"Then here's their memory—may it be
For us a guiding light,
To cheer our strife for liberty,
And teach us to unite.
Through good and ill, be Ireland's still,
Though sad as theirs your fate;
And true men, be you, men,
Like those of Ninety-eight."

No man in the court, who heard this poem recited by the right honorable gentleman in the most emphatic manner, will deny that it produced a great effect on the jury. The Attorney-General stated that this was but a single specimen of the entire volume, and that it very much exceeded in violence the productions of the same character in the year 1797. If the description is true, this poem having been published on the first of April, and a series of compositions, in prose and verse, of the same kind, having appeared for several successive months, does not every man who hears me ask, why it was that proceedings were not taken for the punishment of the persons by whom such articles were published, and for the prevention of offences to which such evil effects were attributed. My answer is this—you had determined to prosecute for a conspiracy, and you connived at meetings and publications of this class. You allow these papers to proceed in their career, to run a race in sedition, and to establish a complete system for the excitement of the public. You did not prosecute the authors of the articles, or their publishers, at the time they were published. You afterwards joined in the defence the editors of three newspapers, and you gave in evidence

against Mr. O'Connell every article published in 1843. Was that a legitimate proceeding? Has there been a precedent in this country of such a proceeding? Has there been an instance of a man indicted for a conspiracy, being joined with these editors of newspapers, and of the articles of those newspapers being given in evidence against him? You might tell me that the mode of proceeding was legitimate, if there were no other mode of punishing the editors of those newspapers. But was there no other mode? Could not those publications have been stopped? Could not the channels by which sedition was circulated through the country have been closed up? Therefore, we charge you with having stood by—(I adopt the expression of the Attorney-General) with having stood by, and with having, if not encouraged, at least permitted very strong proceedings to be adopted by the popular party; when you thought your purpose had been obtained, you then fell on the man whom you had enclosed within your toils.

I come now to the observations of the Attorney-General regarding Mr. Bond Hughes, and I confess myself to be not a little surprised at them. He said that Mr. Bond Hughes had been denounced as a perjurer, and spoke of us as if we had painted him in colors as black as those in which Roman Catholic members of parliament are occasionally held up to the public detestation; but he kept back the fact that Mr. Bond Hughes did make two signal mistakes in his information, and which he himself acknowledged to be mistakes, which before Mr. Bond Hughes was examined did produce no ordinary excitement. Not one word did the Attorney-General say in reference to a most remarkable incident in these trials.

The facts stand thus:—Mr. Bond Hughes had sworn in his information that he saw Mr. Barrett at two meetings in Dublin. It was of the utmost importance to the Crown to fix Barrett, in order to implicate him with Mr. O'Connell. Mr. Bond Hughes sees Mr. Barrett at Judge Burton's chambers, and turning to Mr. Ray, the chief clerk of the Crown Solicitor, informs Mr. Ray that he was mistaken with respect to Mr. Barrett, and that he had not seen him at the Dublin meetings. He suggests to Mr. Ray that something should be done to correct his misapprehension. Ray says nothing. Bond

Hughes then applies to the Crown Solicitor himself, to Mr. Kemmis, and represents to him the painful predicament in which he is placed; Mr. Kemmis says nothing. Bond Hughes accompanies Mr. Kemmis to his house, and no rectification of that signal mistake is made. Mr. Bond Hughes stated all this at the trial, which the Attorney-General, although he went into exceedingly minute details, entirely forgot to mention. It is quite true that Mr. O'Connell at the trial acquitted Mr. Bond Hughes, but I leave it to the House to determine how far Mr. Kemmis should be relieved from blame. But lest you should think I am varnishing, or impeaching wantonly, the character of this immaculate Crown-Solicitor—you who charge us with tampering with Mr. Magrath, a man at this moment in the employment of the Recorder—I will read to you the statement of Mr. Bond Hughes, in which the Attorney-General said not a word, because, I suppose, he thought it not at all relevant. Probably he supposed it to be a work of supererogation to set the public right with respect to any unfortunate misapprehension of Mr. Bond Hughes. The following is the evidence he gave:

"Turn to Monday, the 9th of October—I mean the meeting in Abby-Street. Can you enumerate the persons present of the travers-sers?—There were present Mr. John O'Connell, Mr. Daniel O'Connell, Mr. Steele, the Rev. Mr. Tyrrell, Dr. Gray, Mr. Duffy, and Mr. Ray.

"Then Mr. Barrett was not amongst them?—He was not.

"Then I presume you did not see at that meeting Mr. Barrett?—No. I made a mistake in saying he was there.

"You made that mistake on a previous day, not this day?—I made the mistake on the occasion I refer to, and I corrected it as soon as I possibly could.

"Then Mr. Barrett was not present?—He did not deliver a speech upon the occasion?—He did not.

"The Solicitor-General has not asked you about a dinner at the Rotunda. Were you there in your capacity as a reporter?—I was.

"I believe then I may assume as a fact that Mr. Barrett was not at that dinner?—No, he was not there.

"Of course he made no speech at the dinner?—No, he did not.

"Somebody else made a speech for him?—I was misinformed.

"You mistook some one else for Mr. Barrett on the second occasion?—I did, and I corrected the error as soon as I possibly could.

"I think you stated, in answer to a question, that in justice to

yourself, you felt it your duty to correct the mistake at the earliest period you could ?—Yes.

"Were you at the house of Judge Burton when the informations were to be sworn ?—I was.

"Did you see Mr. Barrett there ?—I did.

"Did you, on that occasion, depose to the informations ?—No ; I did that on a prior occasion. I had sworn to the affidavits, and I made an amended affidavit on the second occasion.

"Did I understand you to say that you corrected that mistake about Mr. Barrett on a subsequent occasion ?—I did not.

"Were you present at the occasion when Mr. Barrett was held to bail upon the informations previously sworn against him ?—I was.

"And you saw him subscribe the recognizances ?—I did.

"Did you then and there correct the mistake ?—I did, on the instant.

"Oh, I mean as to the name of Barrett ?—Yes ; I told Mr. Ray and Mr. Kemmis.

"Were they there attending on the part of the Crown ?—Yes ; they were.

"Did you speak to Mr. Kemmis on the subject ?—No, he was engaged taking the informations, but immediately after we got out of the room I communicated it to Mr. Ray.

"Let us have no mistake here. I suppose you do not mean Mr. Ray, one of the traversers ?—No ; I mean Mr. Ray, the managing clerk of Mr. Kemmis.

"And did you, before you left the house of the judge, apprise these two persons of the mistake ?—I did, as we were leaving the house. I said I had a doubt about Mr. Barrett.

"When did you say that ?—I said it when we were leaving the judge's chamber.

"What did Mr. Kemmis say ?—I spoke chiefly to Mr. Ray.

"What did Mr. Kemmis say ?—I do not recollect.

"How far was it from the judge's house ?—As we were going through Kildare Street.

"Before you came to Mr. Kemmis's house ?—Yes.

"Cannot you recollect what Mr. Kemmis said on that occasion ?—I cannot.

"Did he say it was too late to correct the mistake ?—He did not.

"Did he make no observation ?—I do not remember.

"And there it was left ?—There it was left.

"Now you mentioned the matter to Mr. Ray. Was it in Judge Burton's chamber ?—It was in the passage, as we were leaving the room.

"Mr. Barrett was then in the house ?—He was ; we all left about the same time.

"What did you say ?—That I had been mistaken with regard to Mr. Barrett, and I doubted whether he had been at the Rotunda or Calvert's

Theatre; that I had heard his name mentioned, but was mistaken as to his identity.

"What did Mr. Ray say?—I do not remember what he said.

"Very extraordinary that you should not recollect what was said on so important an occasion. Did not Mr. Ray return?—No.

"And no further steps were taken by you?—I thought when I had put them in possession of the mistake, that I had done all that was necessary. I did not think the question of identity would have been left to me.

"You had no doubt about the mistake?—I was satisfied, as soon as I saw him, that he was not the person.

"How long was it after the mistake about Mr. Tierney that the mistake was corrected?—In about three days afterwards.

"That was merely a mistake about the christian name?—Yes.

"The other mistake remained uncorrected. Did you apprise Mr. Barrett of it?—No; I thought I had done all that was necessary when I had apprised the officers of the Crown of it.

Great stress is laid by the Attorney-General on the sworn and unsworn statements of Mr. Kemmis. He told the Attorney-General this, and he told the Attorney-General that, but he did not rectify the errors in Mr. Bond Hughes' affidavit. Now, I think the House must wonder that a person like the Crown-Solicitor should have been guilty of a sin of omission such as I have described; and in the next place, what is more extraordinary, I think the House must be not merely surprised, but astonished, that the Attorney-General, when he made it a matter of accusation against Mr. O'Connell that Bond Hughes was a subject of imputation, and had been calumniated, did not state that Bond Hughes had been mistaken, and had actually supplicated the Crown-Solicitor to rescue him from his difficulty. I wonder if Mr. Kemmis mentioned it to the Attorney-General himself? Did he so, or did he not? Oh, last night you thought, that the Attorney-General had made out a triumphant case. [Loud cheers from the opposition, met by counter cheers from the other side.] Do you consider this a fitting matter for exultation? [Conservative cheers renewed.] I must say, I cannot enter into your peculiar views, or appreciate the excellence of Tory ethics. [Loud opposition cheering.] If these things be to you "tidings of great joy," I should be loath to disturb your self-complacency. I pass from a topic upon which I have said enough. No further

comments are required; but let it be remembered, that those gentlemen who charge us with the corruption of Mr. Magrath, who sought—to use a rather vulgar phrase—to turn the tables upon us by a somewhat clumsy expedient—have themselves, in the transaction I have mentioned, adopted the course I have described, and respecting which it is necessary for me to say one word more. But to proceed to the other facts of the case:—The bills are found. The names of the witnesses on the back of the indictment are demanded by the defendant, that was a reasonable demand. In this country, united with Ireland—and I hope you will extend to Ireland the same principles and habits of liberty by which you are governed—in this country the practice has uniformly been to furnish the names of the witnesses on the back of the indictment. Am I not right? The honorable and learned Attorney-General for England will do me the favor to correct me if I am mistaken. The honorable and learned gentleman intimates by gesture, that it is the practice in this country. We applied for the names of the witnesses; we received a peremptory refusal. You asked for a trial at bar, you wish to have four judges. One of those judges was Mr. Justice Perrin. When it was convenient, the right honorable and learned Attorney-General relied upon the unanimity of the court, but when they disagreed he barely glanced at it.

Attorney-General, (for Ireland).—The judges were unanimous in their judgment.

Mr. Sheil.—They allowed the Chief Justice to charge the jury; they concurred with the Chief Justice in his view of the law. But do you not think any attention is to be paid to their dissent. If from their harmony you deduce consequences so valuable, from their discord are not some inferences also to be drawn? It is the practice to give the names of the witnesses in England. Judge Perrin declared that he thought that in Ireland also it was a matter of right to give those names. That was a solemn decision upon the point. Judge Burton, an Englishman, with some remnant left of the feeling for which his countrymen are distinguished, said, he thought that although it was not a matter of right, it would be judicious on the part of the Crown to give the names. Mr. Whiteside, the

eloquent counsel for Mr. O'Connell, at the conclusion of the case, made a most reasonable suggestion. The Attorney-General resisted it, on the ground that it would introduce a new practice.

I think that the right honorable and learned Attorney-General, when he went into all those minute details of that part of the case yesterday, would have done right had he mentioned the opinion of Mr. Justice Burton, the decision of Mr. Justice Perrin, and the offer made by Mr. Whiteside on behalf of the defendant. Let the House bear in mind, and let the country bear in mind, that an application never resisted in this country—admitted by the honorable and learned Attorney-General for England to be always granted as a matter of right—was by her Majesty's Attorney-General for Ireland, God knows for what reason, peremptorily rejected. I admit that the right honorable and learned Attorney-General agreed to the postponement of the trial upon two grounds—the first, that time was required to prepare a proper defence, as it obviously was when it was remembered evidence had to be given regarding forty-one meetings on behalf of the Crown; and on the second ground, that there were but twenty-five Catholics upon the panel for 1843, while it was perfectly manifest that a much larger number of Catholic jurors ought to have been upon the special jury list. But I deny that the court refused the application. My impression, on the contrary, was that the court determined to grant the application. It was obvious that one of the judges at least was so disposed. But let me not be mistaken. I do not mean to say that that was distinctly stated by the court; what I say is this—Judge Burton expressed his astonishment that there were only twenty-five Catholics on the jury list, and when that surprise was expressed, the Attorney-General, having against him an irresistible case, agreed to the postponement of the trial, with the view to give the parties time to prepare their defence, a course he could not avoid, and also in order that the case should not be tried before a most erroneous panel.

I do not wish to deny the merit of the right honorable and learned Attorney-General; but had he insisted upon going at once to trial with a panel admitted to be utterly imperfect,

and denounced by the right honorable and learned Recorder himself as most imperfect, surely an imputation would then have rested upon him far stronger than that which at this moment attaches to him, and, in my opinion, not without reason.

I come to the suppression of a portion of the jury list. It is right that the House should be apprised that counsel were employed on behalf of the Repeal party and on behalf of the Conservative party, when the Recorder was going through the parochial lists, and that every name was a subject of as much contention as a vote at an election. The Recorder's court became the arena of the fiercest political contention. But I will begin by declaring that in the adjudication of the parochial lists the Recorder acted with the most perfect fairness, and I have no hesitation in saying that I believe he would rather that his right hand should wither than use it in an infamous mutilation of the jury list. I entirely acquit him of impurity of motive. But, having made this statement, he will forgive me for saying that I do think it was his duty to have personally superintended the ultimate formation of the jury list, and if he had superintended it the mutilation of the jury list would not have taken place. He complained that he had been made the object of the vulgar abuse of hired counsel. He once belonged to the band of mercenaries himself, and might have spared the observation. But I do not think it either vulgar or vituperative to state that it would have been better if he had remained in Dublin after his judicial duty had terminated, and when his ministerial duty had commenced. I admit as an excuse, almost as a justification, that he had great inducement to proceed to England; for the Evening Mail, the recorder of great public events, did not omit to watch the movements of the right honorable gentleman, and stated under the head of "Fashionable Intelligence," that the right honorable gentleman, having left Ingestre, proceeded to the residence of that distinguished statesman, who in all likelihood was anxious to consult the Recorder on the proposed augmentation of the grant to the Education Board. And, may I be permitted to add, parenthetically, that upon the subject of

education in Ireland a judicious taciturnity has been observed by the right honorable gentleman.

No one will suspect that the right honorable gentleman connived at, or had the slightest cognizance of any misdeeds which may have taken place in the transcription of the jury list. I entirely and cheerfully acquit the Attorney-General of every sort of moral imputation, but circumstances did take place in reference to this list, upon which Mr. Justice Perrin remarked in open court, that there were grounds for apprehending that something had occurred which was worse than accident. Mr. Kemmis made an affidavit in reply, but he did not contradict the fact. There never was an affidavit in reply to that of Mr. Mahony respecting the fact, although other affidavits were subsequently made, and ample opportunity for contradiction was afforded.

What is the case made out against us by the other side? But the Attorney-General more than insinuates, because Mr. Magrath is a Catholic, the traversers, or some underlings connected with them, tampered with him. That is the charge made, without a possibility of sustaining it. Does the Recorder assent to this assault on the character of a person still in his employment? How frontless and how preposterous is the imputation! Does any one believe, or can any one, by the utmost stretch of credulity, bring himself to believe, that the defendants would subtract a list of one parish, containing fifteen Catholic names, in order that not one of them might be called on the jury? Yet this is the insinuation made by her Majesty's Attorney-General for Ireland. Is this a fair mode of proceeding? When the Attorney-General makes a charge of this kind he ought to invest it with plausibility; but the Attorney-General forgot that the defendants put the very charge in issue in their challenge; why did he not venture to controvert it?

We are charged with corrupting a public officer whose livelihood depended upon good faith in the performance of his duties—for what? For the purpose of removing Roman Catholics from a panel to try Roman Catholics? Is that plausible? Could such assertion be received by acclamation, except by gentlemen who had been affected by the eloquence

of the right honorable and learned gentleman? The speech itself, indeed, of the right honorable and learned gentleman I was disposed to cheer, but when I found that cheers were raised for a man who was blasting the character of another, I was astonished both at the want of just feeling on the part of the Attorney-General, and that such an accusation, destitute of proof, without plausibility, should be received with acclamations by a British assembly. What took place when the discovery was made of these missing names—I do not care whether they were sixty, or twenty-four, or twenty-seven? The noble lord opposite very justly says they were balloted for, and selected by chance. That may be a good or bad principle, but the chances should be equal on both sides. The judge in Rabelais had a dice-box, and threw for the plaintiff and defendant; but he did not load the dice.

You remember the old practice in the House of Commons of balloting, when the names of members were put in glasses. Suppose, in such a case, the names of twenty-seven Tories were left out. Of course, honorable members, bound by their oaths, would be as incapable of doing anything unjust or improper as a Protestant jury, but what would the Tories say in such a case? Would they not say, give us a new ballot? Put the twenty-seven names back. But whether the jury list was lost, or whether it was stolen, there are two facts connected with it of no ordinary moment. When the juror's list was applied for to the Recorder by the traversers, he expressed his anxiety to give it, if the Crown would consent to his doing so. He told us that he sent the clerk of the peace to the Crown solicitor, to ascertain whether the Crown would consent to that which the Recorder himself thought most reasonable and just. The Crown refused. The second fact is of the same character. An application was made to the sheriff for the list, and the Crown refused to consent. What was the result? That till the very last moment, the traversers' attorneys had no knowledge of the state of the jurors' book. A motion is made to quash the panel. An affidavit is sworn stating that twenty-seven Catholics were omitted. The Solicitor-General makes an affidavit, and does not deny the fact.

Judge Perrin declares that in his opinion, there is ground

for strong suspicion that foul dealing had been practised. An offer is made by the traversers to have the names restored to the panel. The Crown refused to agree. An offer is then made, and it clearly might have been done by consent, to have a new ballot, to put the omitted names into the ballot box, and that offer is also refused. The consent would have bound both parties, and that which the law contemplated would have been accomplished. The Attorney-General, notwithstanding that he professed to detail everything that had happened with the most scrupulous exactness, did not say a syllable about the challenge to the array. He talked of Pearse's case and Lord Hawarden's case, and fifty other cases, but not a word about the challenge: and for a very good reason, that Judge Perrin declared the challenge to be good, and the panel to be void. A challenge to the array takes place, and it is alleged in the challenge, and put in issue, that sixty names had been omitted from the jury list, and that the omission was fraudulent and corrupt. That fact the Crown refused to try. The following are the words of part of the challenge:

"And the said defendant further says, that a certain paper writing purporting to be a general list, made out from such several lists so corrected, allowed and signed as aforesaid, was illegally and fraudulently made out, for the purpose and with the intent of prejudicing the said defendant in this cause."

What reason has the Attorney-General given for not joining issue on that important allegation—an allegation sustained by Judge Perrin's previous unequivocal expression of his opinion? It might have been tried at once by the officer of the court, but a demurrer was preferred. Now mark what happens. We put at issue two facts—the loss of the names most material—the fraud, still more. Was it not the duty of the Crown, under these circumstances, to have joined issue with us? If they had joined issue, there would have been an end to our objection; and if the point had been decided against them, then, of course, the panel must have been altered, or some steps adopted. How did the court decide? Was the court unanimous? Mr. Justice Perrin, who introduced the act into Ireland, which belonged to the Reform code of the right honorable baronet opposite—Mr. Justice Perrin, who knew the

object of the act—who was familiar with all its details—by whom its machinery, so to speak, had been in part altered and adapted—Mr. Justice Perrin decided that the challenge was good. But government went to trial, one of the judges having declared that the source from which justice flowed had been corrupted. A learned friend suggests to me that a demurrer always admits the fact, but I will be candid on that subject. A demurrer admits the fact, for the purpose of argument only. I did not dwell upon that point, because it was in some sort a legal fiction. I went to what was much more substantial. The Crown had the opportunity of ascertaining a fact of the utmost materiality; the Crown shrunk from that investigation. You then went on with the case with the protest of one of the judges against you, and a verdict you have obtained by the intervention of a jury condemned by one of the judges who sat in that court.

If all of the judges were unanimous as to the abstract law, as stated by the Lord Chief Justice, they were not unanimous as to the verdict, because one of the judges condemned the panel which was the foundation of the verdict, and if the panel be shaken, the entire superstruction raised upon it must of course fall too. I come now to another portion of this case —the striking-off of Roman Catholics from the jury. But I see I am occupying the attention of the House at too great a length; but it is a case of paramount importance. It is a case in which I was counsel, and, of course, took a very warm interest in it—it would be strange if I did not—and I believe I am, to a certain extent, better acquainted with the facts than others can be, and I conscientiously believe I have not stated anything that departs in the slightest degree from the facts. With respect to the striking-off of the Roman Catholics, it is said by Mr. Kemmis that there were ten on the list of forty-eight jurors. Now, eight of these ten I at once admit were properly struck off. I cannot for a moment pretend that eight members of the Repeal Association, or persons who were subscribers to its funds, ought to have been retained on the jury. I could no more contend for it than you should contend that Mr. Sheriff Faulkner should have been upon the jury. But there were two names struck off who were Roman Catholics

but who were neither members of the Repeal Association nor subscribers to the Repeal fund. Mark the affidavit of Mr. Kemmis; put it in the disjunctive—he believed that the ten persons struck off the list were either members of the Repeal Association, or had subscribed to its funds. Henrick is a Roman Catholic; what course had been taken about Henrick? The noble lord the Secretary of State for the Colonies, who appears to know more about this part of the case than the Irish Attorney-General, told us that Henrick was considered to be a Protestant, and a Conservative. Who told him so?

Lord Eliot.—Mr. Kemmis.

Mr. Sheil.—Mr. Kemmis did not swear it. It never was mentioned until this debate had commenced. You start a new case or new pretext every moment, and that new pretext is grounded on nothing better than an asseveration of his belief by the Crown-Solicitor regarding a fact, in reference to which he was most egregiously mistaken. Henrick was not a member of the Repeal Association. He never subscribed to the Repeal rent. He is a Roman Catholic. It is sworn that he is. I requested my honorable friend, the member for the county of Wexford, when this matter was in agitation, and who was acquainted with Henrick, to ask him two questions: first, whether he was a Roman Catholic, and next, whether he was a member of the Repeal Association, or a subscriber to the Repeal fund? The answer was, that he was a Roman Catholic—that he was not a member of the Repeal Association, and that he had never subscribed to its fund. But you now make a new case, and say that you thought he was a Protestant and a Conservative.

Come to the case of Michael Dunne. You do not pretend that Dunne was either a member of the Repeal Association, or a subscriber to its funds. But you believed that he might have signed a requisition for a Repeal meeting, though even that allegation is not positively made. But is there no distinction between being a Repealer and being a member of the Association? Is there no distinction between being an advocate of free-trade and a member of the Anti-Corn-law League? If Mr. Cobden, and Mr. Bright, and Mr. Villiers, and the Globe newspaper, and the Morning Chronicle, were indicted

to-morrow for a conspiracy, would the Crown be justified in setting aside, as a juror, every man who had signed a requisition in favor of free-trade, or had signed a requisition in favor of the repeal of the Corn laws? Or suppose that in 1831 the Tories had come into office, and had indicted the Whigs for conspiring to carry Reform by intimidation, for corresponding with the Birmingham Union, and for "swamping the House of Lords," would there be no distinction made, in empanelling a jury to try those revolutionary delinquents, between an advocate of reform, and a member of that seditious association commonly called Brooks's Club, in which I had once the good fortune of hearing a most eloquent speech delivered against the Duke of Wellington by a great orator, who, mounted upon a table through whose planks he almost stamped, poured out an incendiary harangue, amidst enthusiastic acclamation and rapturous applause.

But let us go back to the jury. The panel was bad, and was so declared by the judges. You adopted the course requiring that every Roman Catholic should be struck off the list. Would it not have been wise if the Crown had given its consent that some Roman Catholics should be left on the list? I deny that if the Crown had consented to the formation of a new panel, there would have been any objection on the part of the traversers; and in that case, if the traversers afterwards attempted to controvert the verdict, they would clearly have been stopped by their own proceedings. But suppose no consent had been given, was there not another expedient that might have been adopted? Could not the rule for the special jury have been discharged?

The sheriff for the city of Dublin is a gentleman of the highest respectability—Mr. Latouche. When the Municipal Bill was passing, you took the appointment of the sheriffs from the corporation. You left that appointment to the corporations in England. You did not take the appointment from cities here; but when you came to deal with us, you took the appointment of the sheriff from cities, and vested it in the Crown; because you said that if the new corporations appointed the sheriffs they would be just as bad as the old. I do not say whether the course you took was right or wrong; but when the Crown

assumed the right of appointing the sheriff, they might most safely and wisely have left to the sheriff the appointment of the jury in this case. You use the words "common jury," an expression, generally speaking, which means men selected from the inferior classes. Now, the jury that tried this case were, comparatively speaking, taken from the inferior classes. There were on it Protestant grocers, Protestant piano-forte tuners, and Protestant tanners. Perhaps it would have been better if persons of a higher class had been selected; but I must admit, that there is one advantage in making the middle classes the depositaries of political power, and that the middle classes are animated with as high a sense of honor and of duty as the first patricians in the land. I should never quarrel with the jury, if they had not been composed of political antagonists.

An expression was used by my right honorable friend, the member for the city of Edinburgh, which has strongly excited the ire of the Attorney-General for Ireland. My right honorable friend had said that if there had been a common jury, the Attorney-General for Ireland would not have dared to set by the Roman Catholics, whose names might be on the list. To this the Attorney-General for Ireland has replied, "I would have dared!" and certainly no one can deny his intrepidity. But what my right honorable friend meant was this—that the Crown, controlled by public opinion—controlled, if not in Ireland, at least in this country, by public opinion, acting under the coercion of British sentiment, would not have ventured upon an act at once so culpable, and so imprudent, as to strike off names of the highest respectability because they were Roman Catholics. Therefore, if you were sincere in the manifestation of your desire that the Roman Catholics should be capable of acting on that jury, you had a very obvious mode of carrying your purpose into effect, and of realizing that desire; for when you found the mistake on the panel by all the Roman Catholics being excluded, you might have got a common jury, and in that case, the verdict would have been unimpeachable, and all the controversy which has taken place, and all its consequences, and all the natural and inevitable irritation, might have been avoided. Under these circumstances, is

it wonderful that in Ireland great excitement should have taken place? Is it astonishing that the Roman Catholics of Ireland should have felt indignant to a man on the subject? Is it wonderful that great public meetings should have taken place in every district of the country, to take the subject into consideration? Were these meetings called by factious men? At the head of them stood Lord Kenmare, one of the advocates of the Union—a man of large possessions, of very ancient birth and a man highly allied in this country. That nobleman felt' that these proceedings were an insult offered to him; he, therefore, not for the purposes of partisanship, not to gratify any political passion, not from any predilection in favor of Mr. O'Connell, signs a requisition to call a public meeting to complain of the course pursued by the Crown.

There was another circumstance which gave an additional poignancy to the feelings of the Roman Catholics; that circumstance was this, and as the Attorney-General for Ireland thought it judicious on his part to advert to the course I pursued on a trial at Carrick-on-Suir, he will excuse me if I refer to something which concerns himself, and to an occasion on which he made himself most conspicuous in Ireland. I do not mention this for the purpose of malevolence—I bear no ill will to the right honorable gentleman—I have no motive for ill will—he never did me wrong; and that that right honorable gentleman should have imagined that a conspiracy was formed against him at the bar, for the purpose of wounding his feelings and injuring his prospects, was a most unfortunate hallucination on his part. I beg, on my honor, to assure him that no such intention was ever entertained. But he is a public man, and considering that in the management of the important duties it has imposed upon him he did not exhibit any great delicacy towards others, he must expect that when his political antagonists scrutinize his motives and his conduct, they will ask what manner of man this must have been, and what course has he pursued? He last night alluded to my conduct at a trial which took place many years ago; and he said, also, that he was sorry for what he had said at the meeting which he attended in 1837. As being contrite, he is to be forgiven. But when the Roman Catholics of Ireland come to compare the

course pursued by the Attorney-General, at the late trial in Dublin, with the opinions he had previously expressed, it was impossible that their suspicion should not be confirmed that unfair dealings were practiced in their regard.

The House is already aware of the course pursued by the right honorable gentleman upon the Education Question—a question upon which the Recorder of Dublin took care to spare his right honorable friend, when he endeavored to escape from it. But the right honorable gentleman had distinguished himself still more upon another question.

In the year 1837, a great Protestant meeting was held in Dublin—speeches and resolutions of the most violent character were made and passed at that meeting. One of the barristers who took part in those proceedings has been made Master in Chancery; two of them have been made Judges, Lefroy and Jackson; and the right honorable gentleman himself has been made Attorney-General by a government which professes to govern Ireland without reference to party. At that meeting a resolution was passed declaring that the Protestants of Ireland were in as perilous a condition now, as they were in 1641, when the most frightful massacres of Protestants are said to have taken place. But what did the right honorable gentleman say at that meeting? He said that Roman Catholics in parliament had no regard to their oaths. That declaration, censurable as it was, was more manly than if he had dealt in insidious hints and despicable insinuations. But, surely, when the public functionary by whom that language was uttered caused ten Roman Catholics to be struck off from the special jury, it was impossible not to connect that proceeding with his former conduct—it was impossible not to attribute it to the most offensive motives. Meetings took place in almost every district in Ireland, and even the Roman Catholics of England were stirred into resentment. They are, to a man, opposed to the repeal of the Union. But this outrage to the feelings of every Roman Catholic in the empire they could not endure.

When the First Lord of the Treasury came into office, Lord Shrewsbury addressed a letter to Mr. O'Connell, calling on him to support the present administration. But the blood of the Talbots had caught fire—the first earl in England de-

nounces the gross affront offered to the religion of that community of which he is an ornament. The following letter was written by Lord Shrewsbury to Lord Camoys, on the occasion of the latter noble lord presiding at a meeting of English Catholics in the metropolis :

"Alton Towers, Feb. 6, 1844.

"My Dear Lord :—I regret extremely that circumstances will not allow me to attend the meeting over which you are to preside to-morrow, as I was anxious for an opportunity of expressing my indignation, in common with yourself and many others, at the fresh insult offered to the whole Catholic population of these kingdoms, by the conduct of the law officers of the Crown in the preliminary proceedings on the interesting and important trials now taking place in Dublin. The Catholics appear to have been struck off the panel *en masse*, upon the ground that they were all Repealers ; but while this fact is asserted on the one side, it is stoutly denied upon the other. In the absence of any positive evidence on the point, we are, I think, fully justified in the inference that, whether Repealers or not, no Catholic would have been allowed to sit upon that jury, seeing that such determination would have been in perfect keeping with what has hitherto been the fixed policy of the present government in Ireland, to exclude Catholics from all share in the administration of public affairs, and while professing to do equal justice to all, refusing them every grace and right enjoyed by their Protestant fellow-subjects. The exceptions are too trifling even to form the shadow of an argument.

"But even presuming that the facts are upon their side, does it evince a spirit of justice in the government to discard every man who was known to be favorable to Repeal, and at the same time to leave upon the panel many who were notoriously Anti-Repealers, and who are now actually sitting in judgment upon the traversers ? In either case, then, the first principles of justice have been violated, and a gross insult offered to the people of Ireland ; and I am sorry that I have only been able to mark my reprobation of such conduct by signing the requisition for a meeting to express our common feelings upon the subject.

I remain, my dear lord,

Very truly and faithfully yours,

Shrewsbury.

'To the Lord Camoys."

Is not the fact itself a monstrous one, that in a great Catholic country, in the greatest State prosecution that has ever been instituted in that country, the Liberator of that country should be tried by an exclusive jury marshalled in antagonism against him ? Strip the case of all those details

upon which there has been so much controversy, look at that bare naked fact, and say whether it can be reconciled with the great principles of Catholic Emancipation? As far as trial by jury is concerned, Catholic Emancipation is repealed, and repealed in a spirit as preposterous as it is unjust. We are admitted to the Bench of Justice—that Bench of Justice which was adorned by a Catholic Chief Baron and a Catholic Master of the Rolls; we are admitted to the Imperial Senate, which I have at this moment the honor of addressing; we are admitted to the Treasury Board, to the Board of Admiralty, to the Board of Trade; we are admitted to the Privy Council. But, admitted to the Bench, and admitted to the parliament, and admitted to the Treasury, to the Admiralty, to the Board of Trade, and to the Privy Council, we are driven from the Jury—we are ignominiously driven from the jury box, where a refuge has been supplied to that Protestant ascendency which you have re-invested with all the most odious attributes of its most detestable domination. And yet the noble lord the Secretary for Ireland tells us that he is anxious for the impartial administration of justice!

At the last London election Mr. Baring was asked, by a formidable interrogator, whether he was favorable to free trade? He answered that he was favorable to free trade in the abstract. But when he was asked whether he would vote for the repeal of the sliding scale, he said that was quite another question. And so it is with the noble lord. He is favorable to impartial justice in the abstract. Ask him to admit a Roman Catholic as a juror upon a state prosecution, and he exclaims, "Oh, that is quite another thing." I must, however, admit, that I believed the noble lord to have erred from a certain infirmity of purpose, which, although lamentable, is not so reprehensible as the Yorkshire yeomanry authoritativeness, and the Fermanagh fanaticism of my Lord de Grey.

There is in Dublin a society called the Protestant Operative Association. It exhibits in its characters the results of Conservative policy in Ireland. That Association presented an address to Lord de Grey immediately after the proclamation had been issued. In that address it stated that "the Sacrifice of the Mass is a blasphemous fable, and that a sys-

tem of idolatry unhappily prevails in our country." It submits to the Lord Lieutenant that "we want in Ireland laws which shall have the effect of abolishing Popery." It calls for the suppression of the College at Maynooth; the address, in short, is in keeping with another address from the same society in which the Catholic religion is designated as a "God-dishonoring, Christ-blaspheming, and a Bible-denying superstition, whose climax is gross idolatry." Popery is called "the masterpiece of Satan." It states "there are idolaters upon the bench—idolaters on the judgment-seat." They conclude with a panegyric on the honorable member for Knaresborough, whose arrival in Dublin they announce as an event to be gladly anticipated by all Irish Protestants. The other day he read a speech attributed to me; I acquit him of all blame, but that speech was not made by me, but by a person of the same name, resident in Thomas Street, Dublin. In the Annual Register the speech is given to me by mistake. This Protestant Operative Association, this natural product of your sacerdotal institutions, having addressed the Lord Lieutenant in reference to the proclamation, what answer did he give? Did he denounce—did he reprove contumely so wanton and so unprovoked? Did he, as the representative of his sovereign, who charged him when he went to Ireland to govern the country with impartiality, and expressed to him her tender solicitude for the welfare of her Irish people, express the slightest condemnation of the atrocious language which had been employed in reference to the religion of seven eighths of the inhabitants of Ireland? No, sir. But in his answer to the congratulations of these conspirators against the first principles of Christian charity, he expresses his "warm acknowledgments for the honors which they have conferred upon him, in the expression of their thanks for his conduct on a late occasion."

Does the First Lord of the Treasury approve of this proceeding on the part of his "Lord Deputy of Ireland?" The Secretary for the Home Department considers it as indiscreet, but as to the Secretary for the Colonies, as he, in all likelihood, sympathizes with the Protestant Operative Association, I beg to hand him their address to Lord de Grey, as it will furnish admirable materials for his next "No Popery" speech. The

moral effect of the verdict will not be enhanced by the conduct of Lord de Grey, or by the speeches of the Secretary for the Colonies, or the Secretary for the Home Department. That right honorable gentleman spoke of "convicted conspirators" not being able to upset the Established Church. Even if your verdict had been legitimately obtained, you should abstain from such expressions. You should not give way to this inglorious exultation. You are an Englishman, and you ought not to hit a man when he is down.

As to the noble lord the Secretary for the Colonies, he never fails to apply a provocative to our resentments, and to verify what my friend Mr. Fonblanque says of his orations—"Every one of them is a blister of shining flies." I am surprised that the First Lord of the Treasury, knowing, as he must know, that so hot a horse is likely to bolt, allowed him to be entered for the race. He ought, at all events, if the noble lord was determined to speak, to have suggested to him, that as his government of Ireland had not been peculiarly successful, to avoid the topics which are most likely to add to the national irritation; he ought to have admonished him not to make such a speech as in Canada would be likely to produce great irritation amongst the large Catholic community of that important colony. Perhaps the Prime Minister did give him some such warning, and probably, like the Irish Attorney-General, he promised to put a restraint on himself, and to extend his Conservative habits to his temper. But once on his legs, all his good resolutions were forgotten, and he could not deny himself the luxury of offering every Catholic in the house an affront in the pharisaical homily which he delivered on the oaths taken by Catholics in parliament. He read the oath—read it in italics—he read it almost as well as the Chief Justice read the speech of Daniel O'Connell. He begged of us to examine our consciences, and to consider the awful obligation which was imposed upon us. In giving us a lecture on perjury, he does not mean to offend us. Be it so; but suppose that, in the spirit of retaliatory gratitude, I were to give him a lecture on an offence of far inferior culpability, on political apostasy, and were to say—"My lord, I do not mean to offend you, but I entreat you not to give way to the acrimonious feelings by which

tergiversation is habitually characterized; don't play the fierce and vindictive renegade, for the sake of men with whom the partner of your conversion declared that it would be in the last degree discreditable to consort, and remember that '*sans changer*' is the motto attached to your illustrious name."

I very much question whether the noble lord would consider these amiable suggestions as giving me any very peculiar title to his thanks. But there was something even more remarkable than his advice in reference to the Catholic oath in the speech of the noble lord. He was exceedingly indignant at the reflections on the Chief Justice in reference to whom delicacy forbids me saying anything, as he was "counsel on the other side," and insisted that a judge of the land ought not to be made the subject of criticism in this House; yet when he was a Whig Cabinet Minister he did not exhibit this virtuous squeamishness, but thought Baron Smith, the father of the Irish Attorney-General, would give capital sport in a committee of the House of Commons. He proposed an inquiry into the conduct of Baron Smith—an inquiry into the accuracy of the charge of Mr. Baron Smith.

Lord Stanley.—No, I didn't.

Mr. Sheil.—Didn't you?

Lord Stanley.—No, I didn't.

Mr. Sheil.—What! No vote of censure?

Lord Stanley.—No.

Mr. Sheil.—No motion for a committee?

Lord Stanley.—No.

Mr. Sheil.—Then, what was it? There was a motion I know made in this House for a committee to inquire into the conduct of Mr. Baron Smith in charging the grand jury.

Lord Stanley.—No.

Mr. Sheil.—Yes, but there was. The Secretary for the Home Department perhaps can tell me, because he voted against the noble lord. The Secretary for the Home Department was shocked at such a proceeding, and my Lord Monteagle, whose nerves are better now, was shocked too. Upon that occasion the noble lord (Lord Stanley) and the Secretary for the Home Department were divided; there was then only one star in the Gemini. But let me turn from the noble lord,

whose conduct and whose advice we hold in the estimate which they deserve, to the country to which he once said that he would give a lesson—and inquire how it is that you intend that the government of Ireland, for the future, shall be carried on. Ireland is not to be ruled by force. Indeed! It is to be ruled through Protestant jurors, and Protestant charges, and Protestant jailers; but Protestant jurors, and Protestant charges, and Protestant jailers, require that Protestant bayonets should sustain them, and that, with the discretion of the Home Office, the energy of the Horse Guards must be combined.

But let me come to your specific measures. You have issued a landlord and tenant commission, composed exclusively of proprietors. You did not place upon it a Catholic bishop, or any other eminent ecclesiastic, having an intimate acquaintance with the sufferings of the poor. These commissioners are to fill up three or four folios of evidence, to prove to us, what every one of us already knows. The Home Secretary tells us, that he is inclined to render the landlord's remedy more compendious, but he ought to remember that Mr. Lynch, the master in Chancery, who is thoroughly acquainted with Ireland, a first-rate lawyer, and an excellent man, who has managed his own property with the most humane concern for his tenants, thought the remedy of the quarter-sessions preferable to an ejectment in the superior courts, because the costs in the superior courts are overwhelming, and the tenant purchases a little delay at a price utterly ruinous, and which deprives him of all chance of redeeming his land.

The right honorable gentleman also informed us that he had a Registration Bill in his thought; I admit that the government are entitled to large praise for having thrown the Secretary of the Colonies overboard; but why does not the right honorable gentleman inform us of his plan? He will cut down the franchise with one hand, and extend it with the other; but how will he extend it? By the Chandos clause; that is, he will discourage the granting of long leases, and he will create a mass of vassalage in times of tranquillity, and in seasons of political excitement he will create an open revolt, by which the whole country will be distracted. But what does

he mean shall be done with regard to the Catholic Church and the Protestant Church—with regard to the church with a congregation and without a revenue, and the church with a revenue and without a congregation? Will he grant glebe leases to the Catholic clergy, will he build Catholic houses of worship, will he augment Maynooth?—On these subjects the government are silent, but it is intimated that with the revenues of the establishment no sacrilegious innovation shall be permitted to interfere, and that the Established Church shall be maintained in the plenitude of its possessions, in a country in which two thirds of the Irish members are returned by Roman Catholics, in which Roman Catholics are masters of all the corporations in the south of Ireland, in which every day the Catholic millions are making a wonderful progress in wealth, in industry, in intelligence, in personal self-respect, and in individual determination. And why is the Church to be maintained in its superfluous temporalities? Because we are told that it is founded in Christian Protestant truth. Be it so; but permit me to inquire on which side of the Tweed in Great Britain Protestant truth is to be found? On the northern bank it is impersonated in the member for Perth—in the member for Oxford on the south. It is Calvinistic in the north, Arminian in the south; it is dressed in a black gown and a white band in the north; in the south it is episcopally enthroned, mitred, and crosiered, and arrayed in all the pomp of pontifical attire. On the north it betrays its affinity to Geneva. On the south it exhibits a strong family resemblance to that Babylonian lady, toward whom, under the auspices of Doctor Pusey, its filial affection is beginning to return.

If I shall ever be disposed to recant the errors which have now continued for 1800 years, in order that, being permitted to assail the Irish Church from without, I may, as a Protestant, undermine it from within, perhaps the Secretary for the Home Department, who is a borderer, will tell me on which bank of the Tweed the truth is to be discovered. But wherever it is to be found, it must be admitted that the Irish Church has not been very instrumental in its propagation. You have made no way in two centuries in Ireland, while Popery is every day, and in every way, upon the advance. The Catholic religion,

indigenous to the mind of Ireland, has struck its root profoundly and widely in the belief and the affections of the people—it has grown beneath the axe, and risen in the blast—while Protestant truth, although preserved in a magnificent conservatory, at prodigious cost, pines like a sickly exotic, to which no natural vitality can be imparted, which by every diversity of expedient you have striven to force into freshness, and warm into bloom, in vain. But you may resolve, *per fas aut nefas*, to maintain the abuses of the Church, but it is right that you should know, that among the Catholics of Ireland there exists but one opinion on the subject.

You heard my honorable friend the member for Kildare—he is a gentleman of fortune and of birth, highly connected, and who has again and again refused to take the Repeal pledge. He tells you that he is thoroughly convinced that an alteration in your establishment is required. A vast body of the Protestant Irish aristocracy entertain the same sentiment; and even here, the supporters of a Conservative government cannot refrain from telling you that a revision of the church cannot be long avoided. The honorable member for Wakefield, who was one of the vice-presidents, if I remember right, at the dinner given in 1838, to the first Lord of the Treasury, at the Merchant tailors'-hall, bore his important, although reluctant, testimony to the necessity of a change. That change is said to be against principle. But what an incongruity between your theory and practice: take, as an instance, the Canada clergy and reserves. The clergy reserves were appropriated by act of parliament, by one of the fundamental laws of the colony, to the maintenance of the propagation of the Protestant religion.

Before the revolt in Canada (that painful instrument of political amelioration) we were told that the clergy reserves were set apart for sacred and inviolable purposes. But the Canadian insurrection produced one good result; the Archbishop of Canterbury did no more than stipulate for a change of phraseology in an act of parliament, and the Protestant clergy reserves are at this moment applied, in part, to the sustainment and the diffusion of the Catholic religion. The present Prime Minister, the secretary for the Colonies, the secretary

for the Home Department, the Bishop of London, all agreed to this momentous alienation. The Bishop of Exeter alone stood by his colors; he implored, he adjured the House of Lords in vain—he called on the bishops to remember their oaths, he pointed out the disastrous precedent which you were about to make. He was right—the inference is irresistible, the whole appropriation question is involved in the clergy reserves. But consider whether, even in your dealings with the Irish Church, you have not acted in such a way as to render your position utterly untenable. By the Church Temporalities Act you abolished Irish Church rates. You thereby subtracted so much from the property of the church—you suppressed a certain number of bishoprics, why should you not suppress a corresponding number of benefices? You do not want so many bishops—how can so many parsons be required by you? But the Tithe Bill is a still stronger case.

In 1831 the Catholic members asked nothing more than that you should apply the surplus of church property to charity and education. They never proposed to confiscate a fourth and give it to the Irish landlords. In 1835 that proposition was made by the present Secretary-at-war, then Secretary for Ireland. To the Tories the entire merit of originating that wild and Wellingtonian measure exclusively belongs. But the gallant officer, when Secretary for Ireland, proposed a bill by which one fourth of the tithe was confiscated and put into the coffers of the landlords—you would not alienate church property—not you; but with one blow you take away one fourth of their tithes from the church, and surrender the precious fragment to the Protestant landlords of Ireland.

Your own conduct in reference to the Education Question is the strongest illustration of your own sense of the incompetence of the Irish Church to fulfill the duties of an establishment. In England, where you have an Established Church which teaches the religion of the people, you gave up the Factory Bill; you have perpetuated ignorance, and all the vices which it engenders, rather than infringe on the sacerdotal prerogative of your establishment, which claims the tutelage of the nation's mind; while in Ireland you have stripped the church of all its privileges, and declared it to be unfit for one

of its most important functions—the direction of the public mind; nay, more, the Secretary for Ireland, who now thinks it politic to offer his homage to the clergy of the Established Church, with a sincerity of panegyric commensurate, I hope, with its exaggeration, denounced that clergy for their factious opposition to the Education Board. You have thus, by your own acts, pronounced a virtual condemnation of your Establishment—that monster anomaly to which nothing in Europe is to be compared. Yes; there is one analogy to be found to your sacerdotal institutions—there is one country in Europe in which your Irish policy has been faithfully copied. In a series of remarkable ukases the Emperor of all the Russias proclaims the eternal union between Poland and Russia, declares it to be the means of developing the great national advantages of Poland, expresses his surprise that the Poles should be so utterly insensible to his benevolence, reprobates the malcontents by whom fanciful grievances are got up, and establishes the Greek Church as an excellent bond of connexion between the two countries.

Is there a single argument that can be urged in favor of the English Church in Ireland which does not apply to the establishment of the Greek Church in Poland? The fee-simple of Poland is now Russian. Property in Poland has been Tartarized, by very much the same process by which it has been Protestantized in Ireland. A Greek hierarchy will compensate for the absence of the nobility in Moscow and St. Petersburg, and it will be eminently conducive to public usefulness, that a respectable Greek clergyman should be located, as a resident, in every parochial subdivision of Poland, with a living, in the inverse ratio of a congregation. Almost every year we have a debate in this house touching the wrongs of Poland, and an assurance is given by the right honorable baronet that he will use his best endeavors to procure a mitigation of the sufferings of Poland. I have sometimes thought, that in case Lord Aberdeen should venture on any vehement expostulation, which is not, however, very likely, Count Nesselrode might ask, whether Russia had not adopted the example of England towards Ireland; whether, in Ireland, torrents of blood had not been poured out by your forefathers; whether Ireland had

not been put through a process of repeated confiscation; whether the laws of Russia were more detestable than your barbarous penal code; and whether, to this day, you do not persevere in maintaining an ecclesiastical institution repugnant to the interests, utterly at variance with the creed, and abhorrent to the feelings of a vast majority of the people? Such, I think, would be the just reply of a Russian statesman to my Lord Aberdeen; and, since I have named my Lord Aberdeen, I gladly avail myself of the opportunity to express my unqualified approbation of his foreign policy. When the home office plays, in reference to Ireland, so belligerent a part, and when the Secretary of the Colonies, in speaking of Ireland, "stiffens the sinews" and "summons up the blood," and, I may venture to add, imitates the action of the tiger, nothing will become my Lord Aberdeen so much as "mild behavior and humility."

Rightly did my Lord Ashburton, under his auspices, concede to America far more than America could plausibly claim. —Rightly will he relinquish the Oregon territory; rightly has he endured the intrigues of the French Cabinet in Spain; rightly did he speak of Algiers as a "*fait accompli.*" Rightly will he abandon the treaties of 1831 and 1833, for the suppression of the slave trade; but, after all, this prudential complaisance may be ultimately of little avail; for who can rely upon the sincerity of that international friendship, which rests on no better basis than the interchange of royal civilities? Who can rely upon the stability of that throne of the Barricades, which has neither legitimacy for its foundation, nor freedom for its prop? And if it falls, how fearful the consequences that may grow out of its ruins! The First Lord of the Treasury will then have cause to revert to his speech of 1829, to which my honorable and learned friend the member for Worcester, so emphatically and so impressively adverted. The admonitions of the noble lord, the member for Sunderland, will then be deserving of regard.

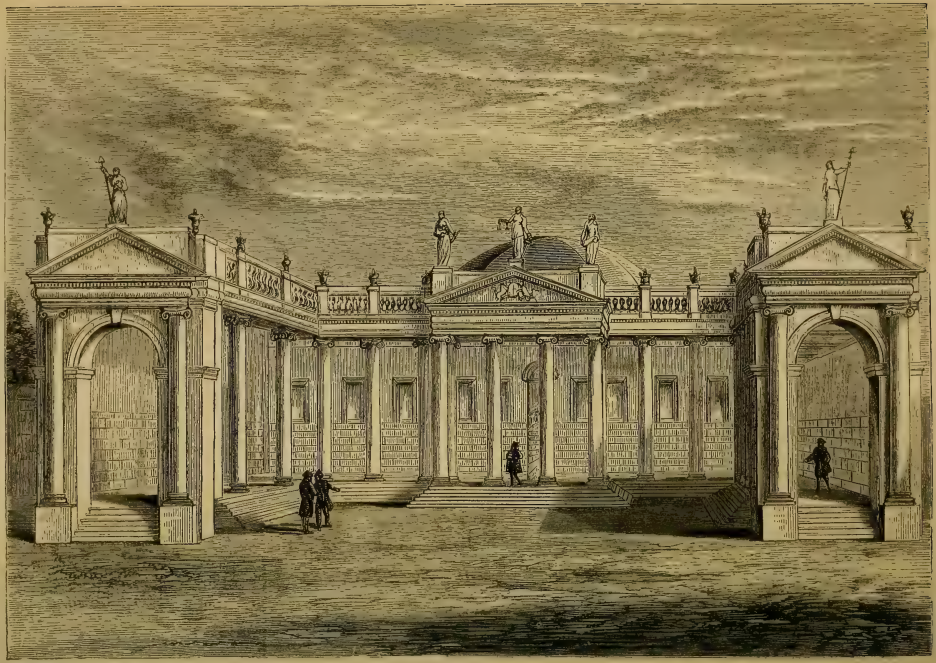
These topics are perilous; but I do not fear to touch them. It is my thorough conviction that England would be able to put down any insurrectionary movement, with her gigantic force, even although maddened and frantic Ireland might be aided by calculating France. But at what a terrible cost of

treasure and of life would treason be subdued! Well might the Duke of Wellington, although familiar with fields of death, express his horror at the contemplation of civil war. War in Ireland would be worse than civil. A demon would take possession of the nation's heart—every feeling of humanity would be extinguished—neither to sex nor to age would mercy be given. The country would be deluged with blood, and when that deluge had subsided, it would be a sorry consolation to a British statesman, when he gazed upon the spectacle of desolation which Ireland would then present to him, that he beheld the spires of your Established Church still standing secure amidst the desert with which they would be encompassed.

You have adjured us, in the name of the oath which we have sworn on the Gospel of God—I adjure you, in the name of every precept contained in that holy book—in the name of that religion which is the perfection of humanity—in the name of every obligation, divine and human, as you are men and Christians, to save my country from those evils to which I point, but to avert them, and to remember, that if you shall be the means of precipitating that country into perdition, posterity will deliver its great finding against you, and that you will not only be answerable to posterity, but responsible to that Judge, in whose presence, clothed with the blood of civil warfare, it will be more than dreadful to appear. But God forbid that these evils should ever have any other existence, except in my own affrighted imaginings, and that those visions of disaster should be embodied in reality. God grant that the men to whom the destinies of England are confided by their sovereign, may have the virtue and the wisdom to save her from those fearful ills that so darkly and so densely lower upon her. For my own part, I do not despair of my country; I do not despair of witnessing the time when Ireland will cease to be the battle-field of faction; when our mutual acrimonies will be laid aside; when our fatal antipathies will be sacrificed to the good genius of our country.

Within the few days that have elapsed since my return to England, I have seen enough to convince me, that there exists amidst a large portion of the great British community, a sen-

timent of kindliness and of good feeling towards Ireland. I have seen proofs that Englishmen have, with a generous promptitude, if they have felt themselves wronged, forgiven the man who may have done them wrong. That if Englishmen, noble and high-minded Englishmen, do but conjecture that injustice has been done to a political antagonist, swayed by their passion for fair play, they will fly to his succor, and with an instinct of magnanimity, enthusiastically take his part. I do trust that this exalted sentiment will be appreciated by my countrymen as it ought to be; and that it may be so appreciated, and that it may lead to a perfect rational reconciliation, and that both countries, instead of being bound by a mere parchment union—a mere legal ligament, which an event may snap—shall be morally, politically, and socially identified, is the ardent desire of one who has many faults, who is conscious of numerous imperfections, but who, whatever those imperfections may be, is not reckless of the interests of his country; is devotedly attached to his sovereign; and, so far from wishing for a dismemberment of this majestic empire, offers up a prayer, as fervent as ever passed from the heart to the lips of any one of you, that the greatness of that empire may be imperishable, and that the power, and that the affluence, and that the glory, and that, above all, the liberties of England may endure for ever.



THE OLD PARLIAMENT HOUSE, DUBLIN.

SPEECHES OF THE

RIGHT HON. JOHN PHILPOT CURRAN.

MEMOIR OF JOHN PHILPOT CURRAN.

JOHN PHILPOT CURRAN, the greatest Irish orator of the last century, was born in , at the little town of Newmarket, in the northwest corner of the county of Cork, where his father was seneschal of the manor and petty judge.

A wild, lively boy, he owed his best early training to his pastor, Rev. Mr. Boyse, who sent him to Middleton school, whence he passed to Trinity, storing his mind with classic lore, which he ever loved, but never paraded, though at times a well-timed quotation fell from his lips.

He entered Trinity in 1767, and contrived to graduate with honor in spite of a fondness for scrapes. Then giving up his first choice, the church, he went to London and entered the Middle Temple. While preparing for the bar, he married his cousin, Miss Creagh, and in 1775 began his career in the profession.

It will hardly be believed, but is nevertheless a fact, that this great orator and lawyer rose slowly, and at first showed a great diffidence and awkwardness, that gave little token of future eminence.

The case of Father Neale against Lord Doneraile in 1780, at once raised him to distinction and popularity. The aristocrat had brutally beaten a venerable priest for refusing to violate the rules of his church. Every lawyer on the circuit refused to act as the poor priest's counsel, but Curran volunteered, and tried the case with such scathing eloquence and remarkable ability that the jury forgot their bigotry and gave a verdict. His language cost him a duel, but this only increased his fame.

He entered the Irish parliament in 1783, as member for Kilbeggan, and continued in that body till its close. Yet his true field was the bar; his eloquence was for the forum, not for the senate. His speeches on State Trials, in which his whole soul was aroused, give the fullest and fairest ideas of his power. And the

defence of prisoners in 1798, was not without its perils. Threats of violence were frequent; but Curran was undaunted. "You may assassinate me," he exclaimed, when the bayonets were levelled at his breast, "but you shall not intimidate me." He could not always save the victim from the doom pronounced in secret councils of government, for the trials were a mere mockery of justice, but Curran's speeches, models of eloquence and undying exhortations to justice and honor, will, to the judgment day, stand as the fearful indictment of English rule in Ireland.

After the Union, Curran devoted himself to his private practice, but domestic affliction saddened his later years; his elevation to the Mastership of the Rolls, a judicial office in the Court of Chancery, was a mistake, and he resigned in 1814. He had two years previous been defeated in Newry in a parliamentry election, and thus retired from political and legal life.

In October, 1817, he was struck with apoplexy, and died on the 14th, and is buried in Glasnevin cemetery. "A companion unrivalled in sympathy and wit; an orator whose thoughts went forth like ministers of nature, with robes of light and swords in their hands; a patriot, who battled best when the flag was trampled down, and a genuine earnest man, breathing of his climate, his country and his time."

SPEECHES OF THE

RIGHT HON. JOHN PHILPOT CURRAN.

SPEECH ON PENSIONS, MARCH 13, 1786.

I OBJECT to adjourning this bill to the first of August, because I perceive in the present disposition of the House, that a proper decision will be made upon it this night. We have set out upon our inquiry in a manner so honorable, and so consistent, that we have reason to expect the happiest success, which I would not wish to see baffled by delay.

We began with giving the full affirmative of this House, that no grievance exists at all; we considered a simple matter of fact, and adjourned our opinion: or rather we gave sentence on the conclusion, after having adjourned the premises. But I do begin to see a great deal of argument in what the learned baronet has said; and I beg gentlemen will acquit me of apostasy, if I offer some reasons why the bill should not be admitted to a second reading.

I am surprised that gentlemen have taken up such a foolish opinion, as that our constitution is maintained by its different component parts, mutually checking and controlling each other; they seem to think, with Hobbes, that a state of nature is a state of warfare; and that, like Mahomet's coffin, the constitution is suspended between the attraction of different powers. My friends seem to think that the Crown should be restrained from doing wrong by a physical necessity; forgetting, that if you take away from man all power to do wrong,

you at the same time take away from him all merit of doing right: and, by making it impossible for men to run into slavery, you enslave them most effectually. But if, instead of the three different parts of our constitution drawing forcibly in right lines, in different directions, they were to unite their power, and draw all one way, in one right line, how great would be the effect of their force, how happy the direction of this union! The present system is not only contrary to mathematical rectitude but to public harmony; but if, instead of privilege setting up his back to oppose prerogative he were to saddle his back, and invite prerogative to ride, how comfortably they might both jog along! and therefore it delights me to hear the advocates for the royal bounty flowing freely and spontaneously, and abundantly, as Holywell in Wales. If the Crown grant double the amount of the revenue in pensions, they approve of their royal master, for he is the breath of their nostrils.

But we shall find that this complaisance, this gentleness between the Crown and its true servants, is not confined at home; it extends its influence to foreign powers. Our merchants have been insulted in Portugal, our commerce interdicted; what did the British lion do? Did he whet his tusks? did he bristle up, and shake his mane? did he roar? No; no such thing, the gentle creature wagged his tail for six years at the court of Lisbon; and now we hear from the Delphic oracle on the treasury bench, that he is wagging his tail in London to Chevalier Pinto, who, he hopes soon to be able to tell us, will allow his lady to entertain him as a lap-dog; and when she does, no doubt the British factory will furnish some of their softest woolens, to make a cushion for him to lie upon. But though the gentle beast has continued so long fawning and couching, I believe his vengeance will be great as it is slow; and that posterity, whose ancestors are yet unborn, will be surprised at the vengeance he will take.

This polyglot of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the exalted excellence of a Hawke or a Rodney, to the debased situation of the lady who humbleth herself that she may be exalted. But

the lessons it inculcates form its greatest perfection; it teacheth, that sloth and vice may eat that bread which virtue and honesty may starve for after they have earned it. It teaches the idle and dissolute to look up for that support which they are too proud to stoop and earn. It directs the minds of men to an entire reliance on the ruling power of the state, who feed the ravens of the royal aviary, that cry continually for food. It teaches them to imitate those saints on the pension list that are like the lilies of the field—they toil not, neither do they spin, and yet are arrayed like Solomon in his glory. In fine it teaches a lesson, which, indeed, they might have learned from Epictetus, that it is sometimes good not to be over virtuous; it shows, that in proportion as our distresses increase, the munificence of the Crown increases also; in proportion as our clothes are rent, the royal mantle is extended over us.

Notwithstanding that the pension list, like charity, covers a multitude of sins, give me leave to consider it as coming home to the members of this House—give me leave to say, that the Crown, in extending its charity, its liberality, its profusion, is laying a foundation for the independence of parliament; for hereafter instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the state; and they will, by so doing, have this security for their independence, that while any man in the kingdom has a shilling, they will not want one.

Suppose at any future period of time the boroughs of Ireland should decline from their present flourishing and prosperous state—suppose they should fall into the hands of men who would wish to drive a profitable commerce, by having members of parliament to hire or let; in such a case a secretary would find great difficulty, if the proprietors of members should enter into a combination to form a monoply; to prevent which, in time, the wisest way is to purchase up the raw material, young members of parliament, just rough from the grass; and when they are a little bitted, and he has got a pretty stud, perhaps of seventy, he may laugh at the slave merchant; some of them he may teach to sound through the nose, like a barrel organ; some in the course of a few months, might be taught

to cry, "Hear! hear!" some, "Chair! chair!" upon occasion —though those latter might create a little confusion, if the were to forget whether they were calling inside or outside of those doors. Again, he might have some so trained that he need only pull a string, and up gets a repeating member; and if they were so dull that they could neither speak nor make orations, (for they are different things,) he might have them taught to dance, *pedibus ire in sententia.* This improvement might be extended; he might have them dressed in coats and shirts all of one color; and of a Sunday, he might march them to church two by two, to the great edification of the people, and the honor of the Christian religion; afterwards, like ancient Spartans, or the fraternity of Kilmainham, they might dine all together in a large hall. Good heaven! what a sight to see them feeding in public, upon public viands, and talking of public subjects, for the benefit of the public! It is a pity they are not immortal; but I hope they will flourish as a corporation, and that pensioners will beget pensioners to the end of the chapter.

SPEECH ON THE TRIAL OF ARCHIBALD HAMILTON ROWAN, 29th JANUARY, 1794.

GENTLEMEN of the jury, when I consider the period at which this prosecution is brought forward; when I behold the extraordinary safeguard of armed soldiers resorted to, no doubt for the preservation of peace and order;* when I catch, as I cannot but do, the throb of public anxiety which beats from one end to the other of this hall; when I reflect on what may be the fate of a man of the most beloved personal character, of one of the most respectable families of our country—himself the only individual of that family—I may almost say of that country—who can look to that possible fate with unconcern?

* A few moments before Mr. Curran entered into his client's defence, a guard was brought into the Court-house by the sheriff (Gifford).

Feeling, as I do, all these impressions, it is in the honest simplicity of my heart I speak, when I say, that I never rose in a court of justice with so much embarrassment as upon this occasion.

If, gentlemen, I could entertain a hope of finding refuge for the disconcertion of my mind in the perfect composure of yours —if I could suppose that those awful vicissitudes of human events, which have been stated or alluded to, could leave your judgment undisturbed, and your hearts at ease, I know I should form a most erroneous opinion of your character. I entertain no such chimerical hope—I form no such unworthy opinion. I expect not that your hearts can be more at ease than my own—I have no right to expect it; but I have a right to call upon you, in the name of your country, in the name of the living God, of whose eternal justice you are now administering that portion which dwells with us on this side of the grave, to discharge your breasts, as far as you are able, of every bias of prejudice or passion, that if my client be guilty of the offence charged upon him, you may give tranquillity to the public, by a firm verdict of conviction; or, if he be innocent, by as firm a verdict of acquittal; and that you will do this in defiance of the paltry artifices and senseless clamors that have been resorted to, in order to bring him to his trial with anticipated conviction. And, gentlemen, I feel an additional necessity in thus conjuring you to be upon your guard, from the able and imposing statement which you have just heard on the part of the prosecution. I know well the virtues and talents of the excellent person who conducts that prosecution;* I know how much he would disdain to impose on you by the trappings of office; but I also know how easily we mistake the lodgment which character and eloquence can make upon our feelings, for those impressions that reason, and fact, and proof, only ought to work upon our understandings.

Perhaps, gentlemen, I shall act not unwisely, in waiving any further observation of this sort, and giving your minds an opportunity of growing cool and resuming themselves, by coming to a calm and uncolored statement of mere facts, premising

* The late Lord Kilwarden, then Attorney-General Wolfe

only to you, that I have it in strictest injunction from my client, to defend him upon facts and evidence only, and to avail myself of no technical artifice or subtlety that could withdraw his cause from the test of that inquiry which it is your province to exercise, and to which only he wishes to be indebted for an acquittal.

In the month of December, 1792, Mr. Rowan was arrested on an information, charging him with the offence for which he is now on his trial. He was taken before an honorable personage now on that bench, and admitted to bail.*

He remained a considerable time in this city, soliciting the present prosecution, and offering himself to a fair trial by a jury of his country. But it was not then thought fit to yield to that solicitation; nor has it now been thought proper to prosecute him in the ordinary way, by sending up a bill of indictment to a grand jury.

I do not mean by this to say that informations *ex-officio* are always oppressive or unjust; but I cannot but observe to you, that when a petty jury is called upon to try a charge not previously found by the grand inquest, and supported by the naked assertion only of the King's prosecutor, that the accusation labors under a weakness of probability which it is difficult to assist. If the charge had no cause of dreading the light—if it was likely to find the sanction of a grand jury—it is not easy to account why it deserted the more usual, the more popular, and the more constitutional mode, and preferred to come forward in the ungracious form of an *ex-officio* information.

If such a bill had been sent up and found, Mr. Rowan would have been tried at the next commission; but a speedy trial was not the wish of his prosecutors. An information was filed, and when he expected to be tried upon it, an error, it seems, was discovered in the record. Mr. Rowan offered to waive it, or consent to any amendment desired. No, that proposal could not be accepted: a trial must have followed. That information, therefore, was withdrawn, and a new one filed; that

* The Honorable Justice Downes, afterwards Lord Downes, and Chief Justice of the King's Bench.

is, in fact, a third prosecution was instituted upon the same charge. This last was filed on the 8th day of last July.

Gentlemen, these facts cannot fail of a due impression upon you. You will find a material part of your inquiry must be, whether Mr. Rowan is pursued as a criminal, or hunted down as a victim. It is not, therefore, by insinuation or circuity, but it is boldly and directly that I assert, that oppression has been intended and practiced upon him, and by those facts which I have stated, I am warranted in the assertion.

His demand, his entreaty to be tried, was refused, and why? A hue and cry was to be raised against him; the sword was to be suspended over his head; some time was necessary for the public mind to become heated by the circulation of artful clamors of anarchy and rebellion, these same clamors which, with more probability, but not more success, had been circulated before through England and Scotland. In this country, the causes and the swiftness of their progress were as obvious as their folly has since become to every man of the smallest observation. I have been stopped myself with—"Good God, sir, have you heard the news?" "No, sir, what?" "Why one French emissary was seen travelling through Connaught in a post-chaise, and scattering from the window, as he passed, little doses of political poison, made up in square bits of paper; another was actually surprised in the fact of seducing our good people from their allegiance, by discourses upon the indivisibility of French robbery and massacre, which he preached in the French language, to a congregation of Irish peasants."

Such are the bugbears and spectres to be raised to warrant the sacrifice of whatever little public spirit may remain amongst us. But time has also detected the imposture of these Cock-lane apparitions; and you cannot now, with your eyes open, give a verdict, without asking your consciences this question:—Is this a fair and honest prosecution? is it brought forward with the single view of vindicating public justice, and promoting public good? And here let me remind you, that you are not convened to try the guilt of a libel, affecting the personal character of any private man. I know no case in which a jury ought to be more severe, than where personal

calumny is conveyed through a vehicle which ought to be consecrated to public information. Neither, on the other hand, can I conceive any case in which the firmness and the caution of a jury should be more exerted, than when a subject is prosecuted for a libel on the state. The peculiarity of the British constitution, (to which, in its fullest extent, we have an undoubted right, however distant we may be from the actual enjoyment,) and in which it surpasses every known government in Europe, is this, that its only professed object is the general good, and its only foundation, the general will; hence the people have a right, acknowledged from time immemorial, fortified by a pile of statutes, and authenticated by a revolution that speaks louder than them all, to see whether abuses have been committed, and whether their properties and their liberties have been attended to as they ought to be.

This is a kind of subject by which I feel myself overawed when I approach it; there are certain fundamental principles which nothing but necessity should expose to public examination; they are pillars, the depth of whose foundation you cannot explore, without endangering their strength; but let it be recollected, that the discussion of such subjects should not be condemned in me, nor visited upon my client; the blame, if any there be, should rest only with those who have forced them into discussion. I say, therefore, it is the right of the people to keep an eternal watch upon the conduct of their rulers; and in order to that, the freedom of the press has been cherished by the law of England. In private defamation, let it never be tolerated; in wicked and wanton aspersion upon a good and honest administration, let it never be supported. Not that a good government can be exposed to danger by groundless accusation, but because a bad government is sure to find, in the detected falsehood of a licentious press, a security and a credit, which it could never otherwise obtain.

I said a good government cannot be endangered; I say so again; for whether it be good or bad, it can never depend upon assertion; the question is decided by simple inspection; to try the tree, look at its fruit; to judge of the government, look at the people. What is the fruit of a good government? the virtue and happiness of the people. Do four millions of

people in this country gather those fruits from that government, to whose injured purity, to whose spotless virtue and violated honor this seditious and atrocious libeller is to be immolated upon the altar of the constitution? To you, gentlemen of the jury, who are bound by the most sacred obligation to your country and your God, to speak nothing but the truth, I put the question—do the people of this country gather those fruits?—are they orderly, industrious, religious, and contented?—do you find them free from bigotry and ignorance, those inseparable concomitants of systematic oppression? Or, to try them by a test as unerring as any of the former, are they united? The period has now elapsed in which considerations of this extent would have been deemed improper to a jury; happily for these countries, the legislature of each has lately changed, or, perhaps, to speak more properly, revived and restored the law respecting trials of this kind. For the space of thirty or forty years, a usage had prevailed in Westminster Hall, by which the judges assumed to themselves the decision of the question, whether libel or not; but the learned counsel for the prosecution is now obliged to admit that this is a question for the jury only to decide. You will naturally listen with respect to the opinion of the court, but you will receive it as a matter of advice, not as a matter of law; and you will give it credit, not from any adventitious circumstances of authority, but merely so far as it meets the concurrence of your own understandings.

Give me leave now to state the charge, as it stands upon the record; it is, "that Mr. Rowan, being a person of a wicked and turbulent disposition, and maliciously designing and intending to excite and diffuse among the subjects of this realm of Ireland, discontents, jealousies, and suspicions of our Lord the King and his government, and disaffection and disloyalty to the person and government of our said Lord the King, and to raise very dangerous seditions and tumults within this kingdom of Ireland, and to draw the government of this kingdom into great scandal, infamy, and disgrace, and to incite the subjects of our said Lord the King, to attempt, by force and violence, and with arms, to make alterations in the government, state, and constitution of this kingdom, and to incite his

Majesty's said subjects to tumult and anarchy, and to overturn the established constitution of this kingdom, and to overawe and intimidate the legislature of this kingdom by an armed force;" did "maliciously and seditiously" publish the paper in question.

Gentlemen, without any observation of mine, you must see, that this information contains a direct charge upon Mr. Rowan; namely, that he did, with the intents set forth in the information, publish the paper; so that here you have, in fact, two or three questions for your decision. First, the matter of fact of the publication; namely, did Mr. Rowan publish the paper? If Mr. Rowan did not in fact publish that paper, you have no longer any question on which to employ your minds; if you think that he was in fact the publisher, then, and not till then, arises the great and important subject to which your judgments must be directed. And that comes shortly and simply to this. Is the paper a libel? and did he publish it with the intent charged in the information? For whatever you may think of the abstract question, whether the paper be libellous or not, and of which paper it has not even been insinuated that he is the author, there can be no ground for a verdict against him, unless you also are persuaded that what he did was done with a criminal design

I wish, gentlemen, to simplify, and not to perplex; I therefore say again, if these three circumstances conspire, that he published it, that it was a libel, and that it was published with the purposes alleged in the information, you ought unquestionably to find him guilty; if, on the other hand, you do not find that all these circumstances concurred; if you cannot upon your oaths say that he published it; if it be not in your opinion a libel; and if he did not publish it with the intention alleged; I say upon the failure of any one of these points, my client is entitled, in justice, and upon your oaths, to a verdict of acquittal.

Gentlemen, Mr. Attorney-General has thought proper to direct your attention to the state and circumstances of public affairs at the time of this transaction; let me also make a few retrospective observations on a period at which he has but slightly glanced; I speak of the events which took place before

the close of the American war. You know, gentlemen, that France had espoused the cause of America, and we became thereby engaged in a war with that nation.

"Heu nescia mens hominum futuri!"

Little did that ill-fated monarch know that he was forming the first causes of those disastrous events, that were to end in the subversion of his throne, in the slaughter of his family, and the deluging of his country with the blood of his people. You cannot but remember that, at a time when we had scarcely a regular soldier for our defence, when the old and young were alarmed and terrified with apprehensions of descent upon our coasts, that Providence seemed to have worked a sort of miracle in our favor. You saw a band of armed men come forth at the great call of nature, of honor, and their country. You saw men of the greatest wealth and rank; you saw every class of the community give up its members, and send them armed into the field, to protect the public and private tranquillity of Ireland. It is impossible for any man to turn back to that period, without reviving those sentiments of tenderness and gratitude, which then beat in the public bosom, to recollect amidst what applause, what tears, what prayers, what benedictions, they walked forth amongst spectators, agitated by the mingled sensations of terror and of reliance, of danger and of protection, imploring the blessings of heaven upon their heads, and its conquest upon their swords. That illustrious, and adored, and abused body of men, stood forward and assumed the title, which I trust the ingratitude of their country will never blot from its history,—"THE VOLUNTEERS OF IRELAND."

Give me leave now, with great respect, to put this question to you:—Do you think the assembling of that glorious band of patriots was an insurrection? Do you think the invitation to that assembling would have been sedition? They came under no commission but the call of their country; unauthorized and unsanctioned, except by public emergency and public danger. I ask, was that meeting insurrection or not? I put another question: If any man then had published a call on that body, and stated that war was declared against the state;

that the regular troops were withdrawn; that our coasts were hovered round by the ships of the enemy; that the moment was approaching, when the unprotected feebleness of age and sex, when the sanctity of habitation, would be disregarded and profaned by the brutal ferocity of a rude invader; if any man had then said to them—"Leave your industry for a while, that you may return to it again, and come forth in arms for the public defence;" I put the question boldly to you, (it is not the case of the Volunteers of that day; it is the case of my client at this hour, which I put to you,) would that call have been pronounced in a court of justice, or by a jury on their oaths, a criminal and seditious invitation to insurrection? If it would not have been so then, upon what principle can it be so now? What is the force and perfection of the law? It is, the permanency of the law; it is, that whenever the fact is the same, the law is also the same; it is, that the letter remains written, monumented and recorded, to pronounce the same decision, upon the same facts, whenever they shall arise. I will not affect to conceal it; you know there has been artful, ungrateful, and blasphemous clamor raised against these illustrious characters, the saviours of the King of Ireland. Having mentioned this, let me read a few words of the paper alleged to be criminal: "You first took up arms to protect your country from foreign enemies, and from domestic disturbance. For the same purposes it now becomes necessary that you should resume them."

I should be the last man in the world to impute any want of candor to the right honorable gentleman, who has stated the case on behalf of the prosecution; but he has certainly fallen into a mistake, which, if not explained, might be highly injurious to my client. He supposed that this publication was not addressed to those ancient Volunteers, but to new combinations of them, formed upon new principles, and actuated by different motives. You have the words to which this construction is imputed upon the record; the meaning of his mind can be collected only from those words which he has made use of to convey it. The guilt imputable to him can only be inferred from the meaning ascribable to those words. Let his meaning then be fairly collected by resorting to them.

Is there a foundation to suppose that this address was directed to any such body of men as has been called a banditti, (with what justice it is unnecessary to inquire,) and not to the old Volunteers?

As to the sneer at the words citizen soldiers, I should feel that I was treating a very respected friend with an insidious and unmerited kindness, if I affected to expose it by any gravity of refutation. I may, however, be permitted to observe, that those who are supposed to have disgraced this expression by adopting it, have taken it from the idea of the British constitution, "that no man in becoming a soldier ceases to be a citizen." Would to God, all enemies as they are, that that unfortunate people had borrowed more from that sacred source of liberty and virtue; and would to God, for the sake of humanity, that they had preserved even the little they did borrow! If ever there could be an objection to that appellation, it must have been strongest when it was first assumed. To that period the writer manifestly alludes; he addresses "those who first took up arms." "You first took up arms to protect your country from foreign enemies and from domestic disturbance. For the same purposes, it now becomes necessary that you should resume them." Is this applicable to those who had never taken up arms before? "A proclamation," says this paper, "has been issued in England for embodying the militia, and a proclamation has been issued by the Lord Lieutenant and Council of Ireland, for repressing all seditious associations. In consequence of both these proclamations, it is reasonable to apprehend danger from abroad, and danger at home." God help us from the situation of Europe at that time; we were threatened with too probable danger from abroad, and I am afraid it was not without foundation we were told of our having something to dread at home.

I find much abuse has been lavished on the disrespect with which the proclamation is treated, in that part of the paper alleged to be a libel. To that my answer for my client is short; I do conceive it competent to a British subject, if he thinks that a proclamation has issued for the purpose of raising false terrors; I hold it to be not only the privilege, but the

duty of a citizen, to set his countrymen right, with respect to such misrepresented danger; and until a proclamation in this country shall have the force of law, the reason and grounds of it are surely at least questionable by the people. Nay, I will go farther; if an actual law had passed, receiving the sanction of the three estates, if it be exceptionable in any matter, it is warrantable to any man in the community to state, in a becoming manner, his ideas upon it. And I should be at a loss to know, if the positive laws of Great Britain are thus questionable, upon what grounds the proclamation of an Irish government should not be open to the animadversion of Irish subjects.

"Whatever be the motive, or from whatever quarter it arises," says this paper, "alarm has arisen." Gentlemen, do you not know that to be fact? It has been stated by the Attorney-General, and most truly, that the most gloomy apprehensions were entertained by the whole country. "You, Volunteers of Ireland, are therefore summoned to arms, at the instance of government, as well as by the responsibility attached to your character, and the permanent obligations of your institution." I am free to confess, if any man, assuming the liberties of a British subject to question public topics, should, under the mask of that privilege, publish a proclamation, inviting the profligate and seditious, those in want, and those in despair, to rise up in arms to overawe the legislature —to rob us of whatever portion of the blessing of a free government we possess; I know of no offence involving greater enormity. But that, gentlemen, is the question you are to try. If my client acted with an honest mind and fair intention, and having, as he believed, the authority of government to support him in the idea that danger was to be apprehended, did apply to that body of so known and so revered a character, calling upon them by their former honor, the principles of their glorious institution, and the great stake they possessed in their country: if he interposed, not upon a fictitious pretext, but a real belief of actual and imminent danger, and that their arming at that critical moment was necessary to the safety of their country, his intention was not only innocent, but highly meritorious. It is a question, gentlemen, upon which you only can

decide; it is for you to say, whether it was criminal in the defendant to be misled, and whether he is to fall a sacrifice to the prosecution of that government by which he was so deceived. I say again, gentlemen, you can look only to his own words as the interpreters of his meaning; and to the state and circumstances of his country, as he was made to believe them, as the clue to his intention. The case, then, gentlemen, is shortly and simply this; a man of the first family, and fortune, and character, and property among you reads a proclamation, stating the country to be in danger from abroad, and at home; and, thus alarmed, thus, upon the authority of the prosecutor, alarmed, applies to that august body, before whose awful presence sedition must vanish, and insurrection disappear. You must surrender, I hesitate not to say, your oaths to unfounded assertion, if you can submit to say, that such an act, of such a man, so warranted, is a wicked and seditious libel. If he was a dupe, let me ask you, who was the impostor? I blush and shrink with shame and detestation from that meanness of dupery and servile complaisance, which could make that dupe a victim to the accusation of an impostor.

You perceive, gentlemen, that I am going into the merits of this publication before I apply myself to the question which is first in order of time, namely, whether the publication, in point of fact, is to be ascribed to Mr. Rowan or not. I have been unintentionally led into this violation of order. I should effect no purpose of either brevity or clearness, by returning to the more methodical course of observation. I have been naturally drawn from it by the superior importance of the topic I am upon, namely, the merit of the publication in question.

This publication, if ascribed at all to Mr. Rowan, contains four distinct subjects: the first, the invitation to the Volunteers to arm: upon that I have already observed; but those that remain are surely of much importance, and, no doubt, are prosecuted, as equally criminal. The paper next states the necessity of a reform in parliament: it states, thirdly, the necessity of an emancipation of the Catholic inhabitants of Ireland; and, as necessary to the achievement of all these objects, does, fourthly, state the necessity of a general delegated convention of the people.

It has been alleged, that Mr. Rowan intended, by this publication, to excite the subjects of this country to effect an alteration in the form of your constitution. And here, gentlemen, perhaps you may not be unwilling to follow a little farther than Mr. Attorney-General has done, the idea of a late prosecution in Great Britain, upon the subject of a public libel. It is with peculiar fondness I look to that country for solid principles of constitutional liberty and judicial example. You have been impressed in no small degree with the manner in which this publication marks the different orders of our constitution, and comments upon them. Let me show you what boldness of animadversion of such topics is thought justifiable in the British nation, and by a British jury. I have in my hand the report of the trial of the printers of the Morning Chronicle, for a supposed libel against the state, and of their acquittal; let me read to you some passages from that publication, which a jury of Englishmen were in vain called upon to brand with the name of libel:

"Claiming it as our indefeasible right to associate together in a peaceable and friendly manner, for the communication of thoughts, the formation of opinions, and to promote the general happiness, we think it unnecessary to offer any apology for inviting you to join us in this manly and benevolent pursuit; the necessity of the inhabitants of every community endeavoring to procure a true knowledge of their rights, their duties, and their interests, will not be denied, except by those who are the slaves of prejudice, or interested in the continuation of abuses. As men who wish to aspire to the title of freemen, we totally deny the wisdom and the humanity of the advice, to approach the defects of government with 'pious awe and trembling solicitude.' What better doctrine could the pope or the tyrants of Europe desire? We think, therefore, that the cause of truth and justice can never be hurt by temperate and honest discussions; and that cause which will not bear such a scrutiny, must be systematically or practically bad. We are sensible that those who are not friends to the general good, have attempted to inflame the public mind with the cry of 'Danger,' whenever men have associated for discussing the principles of government; and we have little doubt but such conduct will be pursued in this place; we would therefore caution every honest man, who has really the welfare of the nation at heart, to avoid being led away by the prostituted clamors of those who live on the sources of corruption. We pity the fears of the timorous, and we are totally unconcerned respecting the false alarms of the venal.

'We view with concern the frequency of wars. We are persuaded that the interests of the poor can never be promoted by accession of territory, when bought at the expense of their labor and blood; and we must say, in the language of a celebrated author, 'We, who are only the people, but who pay for wars with our substance and our blood, will not cease to tell kings,' or governments, 'that to them alone wars are profitable; that the true and just conquests are those which each makes at home, by comforting the peasantry, by promoting agriculture and manufactures, by multiplying men and the other productions of nature; that then it is that kings may call themselves the image of God, whose will is perpetually directed to the creation of new beings. If they continue to make us fight, and kill one another in uniform, we will continue to write and speak, until nations shall be cured of this folly.'

"We are certain our present heavy burdens are owing, in a great measure, to cruel and impolitic wars, and therefore we will do all on our part, as peaceable citizens, who have the good of the community at heart, to enlighten each other, and protest against them.

"The present state of the representation of the people calls for the particular attention of every man who has humanity sufficient to feel for the honor and happiness of his country, to the defects and corruptions of which we are inclined to attribute unnecessary wars, etc. We think it a deplorable case when the poor must support a corruption which is calculated to oppress them; when the laborer must give his money to afford the means of preventing him having a voice in its disposal; when the lower classes may say—'We give you our money, for which we have toiled and sweated, and which would save our families from cold and hunger; but we think it more hard that there is nobody whom we have delegated, to see that it is not improperly and wickedly spent; we have none to watch over our interests; the rich only are represented.' An equal and uncorrupt representation would, we are persuaded, save us from heavy expenses, and deliver us from many oppressions; we will therefore do our duty to procure this reform, which appears to us of the utmost importance.

"In short, we see, with the most lively concern, an army of placemen, pensioners, etc., fighting in the cause of corruption and prejudice, and spreading the contagion far and wide.

"We see, with equal sensibility, the present outcry against reforms, and a proclamation (tending to cramp the liberty of the press, and discredit the true friends of the people) receiving the support of numbers of our countrymen.

"We see burdens multiplied, the lower classes sinking into poverty, disgrace and excesses, and the means of those shocking abuses increased for the purpose of revenue.

"We ask ourselves, 'Are we in England?' Have our forefathers fought, bled, and conquered for liberty? And did they not think that

the fruits of their patriotism would be more abundant in peace, plenty, and happiness ?

"Is the condition of the poor never to be improved ?

"Great Britain must have arrived at the highest degree of national happiness and prosperity, and our situation must be too good to be mended, or the present outcry against reforms and improvements is inhuman and criminal. But we hope our condition will be speedily improved, and to obtain so desirable a good, is the object of our present association : an union founded on principles of benevolence and humanity ; disclaiming all connexion with riots and disorder, but firm in our purpose, and warm in our affections for liberty.

"Lastly, we invite the friends of freedom throughout Great Britain to form similar societies, and to act with unanimity and firmness, till the people be too wise to be imposed upon ; and their influence in the government be commensurate with their dignity and importance. Then shall we be free and happy."

Such, gentlemen, is the language, which a subject of Great Britain thinks himself warranted to hold, and upon such language has the corroborating sanction of a British jury been stamped by a verdict of acquittal. Such was the honest and manly freedom of publication ; in a country, too, where the complaint of abuses has not half the foundation it has here. I said I loved to look to England for principles of judicial example ; I cannot but say to you that it depends on your spirit, whether I shall look to it hereafter with sympathy or with shame. Be pleased, now, gentlemen, to consider whether the statement of the imperfection in your representation has been made with a desire of inflaming an attack upon the public tranquillity, or with an honest purpose of procuring a remedy. for an actually existing grievance.

It is impossible not to revert to the situation of the times : and let me remind you, that whatever observations of this kind I am compelled thus to make in a court of justice, the uttering of them in this place is not imputable to my client, but to the necessity of defence imposed upon him by this extraordinary prosecution.

Gentlemen, the representation of our people is the vital principle of their political existence ; without it they are dead, or they live only to servitude ; without it there are two estates acting upon and against the third, instead of acting in co-operation with it ; without it, if the people are oppressed by

their judges, where is the tribunal to which their judges can be amenable? without it, if they are trampled upon and plundered by a minister, where is the tribunal to which the offender shall be amenable? without it, where is the ear to hear, or the heart to feel, or the hand to redress their sufferings? Shall they be found, let me ask you, in the accursed bands of imps and minions that bask in their disgrace, and fatten upon their spoils, and flourish upon their ruin? But let me not put this to you as a merely speculative question. It is a plain question of fact; rely upon it, physical man is everywhere the same; it is only the various operations of moral causes that gives variety to the social or individual character and condition. How otherwise happens it that modern slavery looks quietly at the despot, on the very spot where Leonidas expired? The answer is, Sparta has not changed her climate, but she has lost that government which her liberty could not survive.

I call you, therefore, to the plain question of fact. This paper recommends a reform in parliament; I put that question to your consciences; do you think it needs that reform? I put it boldly and fairly to you, do you think the people of Ireland are represented as they ought to be? Do you hesitate for an answer? If you do, let me remind you, that until the last year, three millions of your countrymen have, by the express letter of the law, been excluded from the reality of actual, and even from the phantom of virtual representation. Shall we then be told that this is only the affirmation of a wicked and seditious incendiary? If you do not feel the mockery of such a charge, look at your country; in what state do you find it? Is it in a state of tranquillity and general satisfaction? These are traces by which good are ever to be distinguished from bad governments, without any very minute inquiry or speculative refinement. Do you feel that a veneration for the law, a pious and humble attachment to the constitution, form the political morality of the people? Do you find that comfort and competency among your people, which are always to be found where a government is mild and moderate, where taxes are imposed by a body who have an interest in

treating the poorer orders with compassion, and preventing the weight of taxation from pressing sore upon them?

Gentlemen, I mean not to impeach the state of your representation; I am not saying that it is defective, or that it ought to be altered or amended; nor is this a place for me to say, whether I think that three millions of the inhabitants of a country whose whole number is but four, ought to be admitted to any efficient situation in the state. It may be said, and truly, that these are not questions for either of us directly to decide; but you cannot refuse them some passing consideration at least; when you remember that on this subject the real question for your decision is, whether the allegation of a defect in your constitution is so utterly unfounded and false, that you can ascribe it only to the malice and perverseness of a wicked mind, and not to the innocent mistake of an ordinary understanding; whether it may not be mistake; whether it can be only sedition.

And here, gentlemen, I own I cannot but regret, that one of our countrymen should be criminally pursued, for asserting the necessity of a reform, at the very moment when that necessity seems admitted by the parliament itself; that this unhappy reform shall, at the same moment, be a subject of legislative discussion and criminal prosecution. Far am I from imputing any sinister design to the virtue or wisdom of our government; but who can avoid feeling the deplorable impression that must be made on the public mind, when the demand for that reform is answered by a criminal information.

I am the more forcibly impressed by this consideration, when I consider, that when this information was first put on the file, the subject was transiently mentioned in the House of Commons. Some circumstances retarded the progress of the inquiry there, and the progress of the information was equally retarded here. On the first day of this session, you all know, that subject was again brought forward in the House of Commons, and, as if they had slept together, this prosecution was also revived in the court of King's Bench, and that before a jury taken from a panel partly composed of those very members of parliament, who, in the House of Commons, must debate upon this subject as a measure of public advantage,

which they are here called upon to consider as a public crime. This paper, gentlemen, insists upon the necessity of emancipating the Catholics of Ireland, and that is charged as part of the libel. If they had waited another year, if they had kept this prosecution impending for another year, how much would remain for a jury to decide upon, I should be at a loss to discover. It seems as if the progress of public information was eating away the ground of the prosecution. Since the commencement of the prosecution, this part of the libel has unluckily received the sanction of the legislature. In that interval our Catholic brethren have obtained that admission, which, it seems, it was a libel to propose; in what way to account for this, I am really at a loss. Have any alarms been occasioned by the emancipation of our Catholic brethren? has the bigoted malignity of any individuals been crushed? or has the stability of the government, or that of the country, been weakened? or is one million of subjects stronger than four millions? Do you think that the benefit they received should be poisoned by the sting of vengeance? If you think so, you must say to them—"You have demanded emancipation, and you have got it; but we abhor your persons, we are outraged at your success, and we will stigmatize by a criminal prosecution the adviser of that relief which you have obtained from the voice of your country." I ask you, do you think, as honest men, anxious for the public tranquillity, conscious that there are wounds not yet completely cicatrized, that you ought to speak this language at this time, to men who are too much disposed to think that in this very emancipation they have been saved from their own parliament by the humanity of their sovereign? Or do you wish to prepare them for the revocation of these improvident concessions? Do you think it wise or humane at this moment to insult them, by sticking up in a pillory the man who dared to stand forth as their advocate? I put it to your oaths; do you think that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure? to propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men

from bondage, and giving liberty to all who had a right to demand it; giving, I say, in the so much censured words of this paper, giving "UNIVERSAL EMVNCIPATION!" I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of UNIVERSAL EMANCIPATION. No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst from around him; and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of UNIVERSAL EMANCIPATION.

[A sudden burst of applause from the court and hall, which was repeated for a considerable length of time, interrupted Mr. Curran. Silence being at length restored, he proceeded:]

Gentlemen, I am not such a fool as to ascribe an effusion of this sort to any merit of mine. It is the mighty theme, and not the inconsiderable advocate that can excite interest in the hearer. What you hear is but the testimony which nature bears to her own character; it is the effusion of her gratitude to that Power which stamped that character upon her.

And permit me to say, that if my client had occasion to defend his cause by any mad or drunken appeals to extravagance or licentiousness, I trust in God I stand in that situation that, humble as I am, he would not have resorted to me to be his advocate. I was not recommended to his choice by any connexion of principle or party, or even private friendship; and saying this, I cannot but add, that I consider not to be acquainted with such a man as Mr. Rowan, a want of personal good fortune. But upon this great subject of reform and

emancipation, there is a latitude and boldness of remark, justifiable in the people, and necessary to the defence of Mr. Rowan, for which the habit of professional studies, and technical adherence to established forms, have rendered me unfit. It is, however, my duty, standing here as his advocate, to make some few observations to you which I conceive to be material.

Gentlemen, you are sitting in a country which has a right to the British constitution, and which is bound by an indissoluble union with the British nation. If you were not even at liberty to debate upon that subject; if you even were not, by the most solemn compacts, founded upon the authority of your ancestors and of yourselves, bound to an alliance, and had an election now to make; in the present unhappy state of Europe, if you had been heretofore a stranger to Great Britain you would now say—We will enter into society and union with you:

"Una salus ambobus erit, commune periculum."

But to accomplish that union, let me tell you, you must learn to become like the English people. It is vain to say you will protect their freedom, if you abandon your own. The pillar whose base has no foundation, can give no support to the dome under which its head is placed; and if you profess to give England that assistance which you refuse to yourselves, she will laugh at your folly, and despise your meanness and insincerity. Let us follow this a little further—I know you will interpret what I say with the candor in which it is spoken. England is marked by a natural avarice of freedom, which she is studious to engross and accumulate, but most unwilling to impart; whether from any necessity of her policy, or from her weakness, or from her pride, I will not presume to say, but so is the fact; you need not look to the east nor to the west; you need only look to yourselves.

In order to confirm this observation, I would appeal to what fell from the learned counsel for the Crown,—"that notwithstanding the alliance subsisting for two centuries past between the two countries, the date of liberty in one goes no further back than the year 1782."

If it required additional confirmation, I should state the

case of the invaded American, and the subjugated Indian, to prove that the policy of England has ever been, to govern her connexions more as colonies than as allies ; and it must be owing to the great spirit indeed of Ireland if she shall continue free. Rely upon it, she shall ever have to hold her course against an adverse current ; rely upon it, if the popular spring does not continue strong and elastic, a short interval of debilitated nerve and broken force will send you down the stream again, and reconsign you to the condition of a province.

If such should become the fate of your constitution, ask yourselves what must be the motive of your government? It is easier to govern a province by a faction, than to govern a co-ordinate country by co-ordinate means. I do not say it is now, but it will always be thought easiest by the managers of the day, to govern the Irish nation by the agency of such a faction, as long as this country shall be found willing to let her connexion with Great Britain be preserved only by her own degradation. In such a precarious and wretched state of things, if it shall ever be found to exist, the true friend of Irish liberty and British connexion will see, that the only means of saving both must be, as Lord Chatham expressed it, "the infusion of new health and blood into the constitution." He will see how deep a stake each country has in the liberty of the other ; he will see what a bulwark he adds to the common cause, by giving England a co-ordinate and co-interested ally, instead of an oppressed, enfeebled, and suspected dependent ; he will see how grossly the credulity of Britain is abused by those who make her believe that her interest is promoted by our depression ; he will see the desperate precipice to which she approaches by such conduct ; and with an animated and generous piety, he will labor to avert her danger.

But, gentlemen of the jury, what is likely to be his fate? The interest of the sovereign must be forever the interest of his people, because his interest lives beyond his life : it must live in his fame ; it must live in the tenderness of his solicitude for an unborn posterity ; it must live in that heart-attaching bond, by which millions of men have united the destinies of themselves and their children with his, and call him by the endearing appellation of king and father of his people.

But what can be the interest of such a government as I have described? Not the interest of the King—not the interest of the people; but the sordid interest of the hour; the interest in deceiving the one, and in oppressing and defaming the other; the interest of unpunished rapine and unmerited favor: that odious and abject interest, that prompts them to extinguish public spirit in punishment or in bribe, and to pursue every man, even to death, who has sense to see, and integrity and firmness enough to abhor and to oppose them. What, therefore, I say, will be the fate of the man who embarks in an enterprise of so much difficulty and danger? I will not answer it. Upon that hazard has my client put everything that can be dear to man, his fame, his fortune, his person, his liberty, and his children; but with what event your verdict only can answer, and to that I refer your country.

There is a fourth point remaining. Says this paper,—"For both these purposes, it appears necessary that provincial conventions should assemble, preparatory to the convention of the Protestant people. The delegates of the Catholic body are not justified in communicating with individuals, or even bodies, of inferior authority; and therefore an assembly of a similar nature and organization is necessary to establish an intercourse of sentiment, an uniformity of conduct, an united cause, and an united nation. If a convention on the one part does not soon follow, and is not soon connected with that on the other, the common cause will split into the partial interests; the people will relax into inattention and inertness; the union of affection and exertion will dissolve; and, too probably, some local insurrection, instigated by the malignity of our common enemy, may commit the character, and risk the tranquillity of the island, which can be obviated only by the influence of an assembly arising from, and assimilated with the people, and whose spirit may be, as it were, knit with the soul of the nation. Unless the sense of the Protestant people be, on their part, as fairly collected and as judiciously directed; unless individual exertion consolidates into collective strength; unless the particles unite into one mass, we may, perhaps, serve some person or some party for a little, but the public not at all. The nation is neither insolent, nor rebellious, nor seditious;

while it knows its rights, it is unwilling to manifest its powers; it would rather supplicate administration to anticipate revolution by well-timed reform, and to save their country in mercy to themselves."

Gentlemen, it is with something more than common reverence, it is with a species of terror that I am obliged to tread this ground. But what is the idea, put in the strongest point of view? We are willing not to manifest our powers, but to supplicate administration to anticipate revolution, that the legislature may save the country, in mercy to itself.

Let me suggest to you, gentlemen, that there are some circumstances, which have happened in the history of this country, that may better serve as a comment upon this part of the case, than any I can make. I am not bound to defend Mr. Rowan, as to the truth or wisdom of the opinions he may have formed. But if he did really conceive the situation of the country such, as that the not redressing her grievances might lead to a convulsion; and of such an opinion not even Mr Rowan is answerable here for the wisdom, much less shall I insinuate any idea of my own upon so awful a subject; but if he did so conceive the fact to be, and acted from the fair and honest suggestion of a mind anxious for the public good, I must confess, gentlemen, I do not know in what part of the British constitution to find the principle of his criminality.

But, be pleased further to consider, that he cannot be understood to put the fact on which he argues on the authority of his assertion. The condition of Ireland was as open to the observation of every other man, as to that of Mr. Rowan. What, then, does this part of the publication amount to? In my mind simply to this:

"The nature of oppression in all countries is such, that, although it may be borne to a certain degree, it cannot be borne beyond that degree. You find that exemplified in Great Britain; you find the people of England patient to a certain point, but patient no longer. That infatuated monarch, James II., experienced this. The time did come, when the measure of popular sufferings and popular patience was full—when a single drop was sufficient to make the waters of bitterness to overflow. I think this measure in Ireland is brimful at present; I think the state of the representation of the people in parliament is a grievance; I think the utter exclusion of three millions of people is a

grievance of that kind, that the people are not likely long to endure, and the continuation of which may plunge the country into that state of despair, which wrongs, exasperated by perseverance, never fail to produce."

But to whom is even this language addressed? Not to the body of the people on whose temper and moderation, if once excited, perhaps not much confidence could be placed; but to that authoritative body, whose influence and power would have restrained the excesses of the irritable and tumultuous, and for that purpose expressly does this publication address the Volunteers.

"We are told that we are in danger. I call upon you, the great constitutional saviours of Ireland, to defend the country to which you have given political existence, and to use whatever sanction your great name, your sacred character, and the weight you have in the community, must give you, to repress wicked designs, if any there are. We feel ourselves strong—the people are always strong; the public chains can only be riveted by the public hands. Look to those devoted regions of southern despotism: behold the expiring victim on his knees, presenting the javelin, reeking with his blood, to the ferocious monster who returns it into his heart. Call not that monster the tyrant; he is no more than the executioner of that inhuman tyranny, which the people practice upon themselves, and of which he is only reserved to be a later victim than the wretch he has sent before. Look to a nearer country, where the sanguinary characters are more legible—whence you almost hear the groans of death and torture. Do you ascribe the rapine and murder in France to the few names we are execrating here? or do you not see that it is the frenzy of an infuriated multitude, abusing its own strength, and practicing those hideous abominations upon itself? Against the violence of this strength, let your virtue and influence be our safeguard."

What criminality, gentlemen of the jury, can you find in this? What, at any time? but I ask you, peculiarly at this momentous period, what guilt you can find in it? My client saw the scene of horror and blood which covers almost the face of Europe; he feared that causes, which he thought similar, might produce similar effects; and he seeks to avert those dangers, by calling the united virtue and tried moderation of the country into a state of strength and vigilance. Yet this is the conduct which the prosecution of this day seeks to punish and stigmatize; and this is the language for which this paper is reprobated to-day,

as tending to turn the hearts of the people against their sovereign, and inviting them to overturn the constitution.

Let us now, gentlemen, consider the concluding part of this publication. It recommends a meeting of the people, to deliberate on constitutional methods of redressing grievances. Upon this subject I am inclined to suspect that I have in my youth taken up crude ideas, not founded, perhaps, in law; but I did imagine that, when the bill of rights restored the right of petitioning for the redress of grievances, it was understood that the people might boldly state among themselves that grievances did exist; I did imagine it was understood that people might lawfully assemble themselves in such manner as they might deem most orderly and decorous. I thought I had collected it from the greatest luminaries of the law. The power of petitioning seemed to me to imply the right of assembling for the purpose of deliberation. The law requiring a petition to be presented by a limited number, seemed to me to admit that the petition might be prepared by any number whatever, provided, in doing so, they did not commit any breach or violation of the public peace. I know that there has been a law passed in the Irish parliament of last year, which may bring my former opinion into a merited want of authority. The law declares that no body of men may delegate a power to any smaller number, to act, think, or petition for them. If that law had not passed, I should have thought that the assembling by a delegate convention was recommended, in order to avoid the tumult and disorder of a promiscuous assembly of the whole mass of the people. I should have conceived, before that act, that any law to abridge the orderly appointment of the few, to consult for the interest of the many, and thus force the many to consult by themselves, or not at all, would, in fact, be a law not to restrain but to promote insurrection. But that law has spoken, and my error must stand corrected.

Of this, however, let me remind you; you are to try this part of the publication by what the law was then, not by what it is now. How was it understood until last session of parliament? You had, both in England and Ireland, for the last ten years, these delegated meetings. The Volunteers of Ireland,

in 1783, met by delegation; they framed a plan of parliamentary reform; they presented it to the representative wisdom of the nation. It was not received; but no man ever dreamed that it was not the undoubted right of the subject to assemble in that manner. They assembled by delegation at Dungannon; and to show the idea then entertained of the legality of their public conduct, that same body of Volunteers was thanked by both Houses of parliament, and their delegates most graciously received at the throne. The other day you had delegated representatives of the Catholics of Ireland, publicly elected by the members of that persuasion, and sitting in convention in the heart of your capital, carrying on an actual treaty with the existing government, and under the eye of your own parliament, which was then assembled; you have seen the delegates from that convention carry the complaints of their grievances to the foot of the throne, from whence they brought back to that convention the auspicious tidings of that redress which they had been refused at home.

Such, gentlemen, have been the means of popular communication and discussion, which, until the last session, have been deemed legal in this country, as, happily for the sister kingdom, they are yet considered there.

I do not complain of this act as any infraction of popular liberty; I should not think it becoming in me to express any complaint against a law, when once become such. I observe only, that one mode of popular deliberation is thereby taken utterly away, and you are reduced to a situation in which you never stood before. You are living in a country where the constitution is rightly stated to be only ten years old—where the people have not the ordinary rudiments of education. It is a melancholy story, that the lower orders of the people here have less means of being enlightened than the same class of people in any other country. If there be no means left by which public measures can be canvassed, what will be the consequence? Where the press is free, and discussion unrestrained, the mind, by the collision of intercourse, gets rid of its own asperities; a sort of insensible perspiration takes place in the body politic, by which those acrimonies, which would otherwise fester and inflame, are quietly dissolved and dissi-

pated. But now, if any aggregate assembly shall meet, they are censured; if a printer publishes their resolutions, he is punished; rightly, to be sure, in both cases, for it has been lately done. If the people say, let us not create tumult, but meet in delegation, they cannot do it; if they are anxious to promote parliamentary reform in that way, they cannot do it; the law of the last session has for the first time declared such meetings to be a crime.

What then remains? The liberty of the press only—that sacred palladium, which no influence, no power, no minister, no government—which nothing but the depravity, or folly, or corruption of a jury, can ever destroy. And what calamities are the people saved from, by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from; I will tell you also to what both are exposed by shutting up that communication. In one case, sedition speaks aloud and walks abroad; the demagogue goes forth—the public eye is upon him—he frets his busy hour upon the stage; but soon either weariness, or bribe, or punishment, or disappointment, bears him down, or drives him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the torch. If you doubt of the horrid consequence of suppressing the effusion even of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber—the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both; the decisive instant is precipitated without warning—by folly on the one side, or by frenzy on the other; and there is no notice of the treason, till the traitor acts. In those unfortunate countries—one cannot read it without horror—there are officers, whose province it is to have the water which is to be drunk by their rulers sealed up in bottles, lest some

wretched miscreant should throw poison into the draught. But, gentlemen, if you wish for a nearer and more interesting example, you have it in the history of your own revolution. You have it at that memorable period, when the monarch found a servile acquiescence in the ministers of his folly—when the liberty of the press was trodden under foot—when venal sheriffs returned packed juries, to carry into effect those fatal conspiracies of the few against the many—when the devoted benches of public justice were filled by some of those foundlings of fortune, who, overwhelmed in the torrent of corruption at an early period, lay at the bottom, like drowned bodies, while soundness or sanity remained in them; but at length, becoming buoyant by putrefaction, they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.

In that awful moment of a nation's travail, of the last gasp of tyranny, and the first breath of freedom, how pregnant is the example! The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore —of peace—of domestic liberty—and the lasting union of the two countries—I conjure you to guard the liberty of the press, that great sentinel of the state, that grand detector of public imposture; guard it, because, when it sinks, there sinks with it, in one common grave, the liberty of the subject, and the security of the Crown.

Gentlemen, I am glad that this question has not been brought forward earlier; I rejoice, for the sake of the court, of the jury, and of the public repose, that this question has not been brought forward till now. In Great Britain, analogous circumstances have taken place. At the commencement of that unfortunate war which has deluged Europe with blood, the spirit of the English people was tremblingly alive to the terror of French principles; at that moment of general paroxysm, to accuse was to convict. The danger looked larger to the public eye, from the misty region through which it was surveyed. We measure inaccessible heights by the shadows which they project, where the lowness and the distance of the light form the length of the shade.

There is a sort of aspiring and adventurous credulity, which disdains assenting to obvious truths, and delights in catching at the improbability of circumstances, as its best grounds of faith. To what other cause, gentlemen, can you ascribe, that in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been gravely found guilty of a libel, for publishing those resolutions to which the present minister of that kingdom had actually subscribed his name?—To what other cause can you ascribe, what in my mind is still more astonishing, in such a country as Scotland—a nation cast in the happy medium between the spiritless acquiescence of a submissive poverty, and the sturdy credulity of pampered wealth—cool and ardent—adventurous and persevering—winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires—crowned, as she is, with the spoils of every art, and decked with the wealth of every muse, from the deep and scrutinizing researches of her Hume, to the sweet and simple, but not less sublime and pathetic, morality of her Burns—how, from the bosom of a country like that, genius, and character, and talents, should be banished to a distant barbarous soil, condemned to pine under the horrid communion of vulgar vice and base-born profligacy, for twice the period that ordinary calculation gives to the continuance of human life.

But I will not further press an idea that is so painful to me, and I am sure must be painful to you. I will only say, you have now an example, of which neither England nor Scotland had the advantage; you have the example of the panic, the infatuation, and the contrition of both. It is now for you to decide, whether you will profit by their experience of idle panic and idle regret; or whether you meanly prefer to palliate a servile imitation of their frailty, by a paltry affectation of their repentance. It is now for you to show, that you are not carried away by the same hectic delusions, to acts, of which no tears can wash away the fatal consequences, or the indelible reproach.

Gentlemen, I have been warning you by instances of public intellect suspended or obscured; let me rather excite you by the example of that intellect recovered and restored. In that

case which Mr. Attorney-General has cited himself—I mean that of the trial of Lambert, in England—is there a topic of invective against constituted authorities, is there a topic of abuse against every department of British government, that you do not find in the most glowing and unqualified terms in that publication, for which the printer of it was prosecuted, and acquitted by an English jury? See, too, what a difference there is between the case of a man publishing his own opinion of facts, thinking that he is bound by duty to hazard the promulgation of them, and without the remotest hope of any personal advantage, and that of a man who makes publication his trade. And saying this, let me not be misunderstood. It is not my province to enter into any abstract defence of the opinions of any man upon public subjects. I do not affirmatively state to you that these grievances, which this paper supposes, do, in fact, exist; yet I cannot but say, that the movers of this prosecution have forced this question upon you. Their motives and their merits, like those of all accusers, are put in issue before you; and I need not tell you how strongly the motive and merits of any informer ought to influence the fate of his accusation.

I agree most implicitly with Mr. Attorney-General, that nothing can be more criminal than an attempt to work a change in the government by armed force; and I entreat the court will not suffer any expression of mine to be considered as giving encouragement or defence to any design to excite disaffection, to overawe or to overturn the government. But I put my client's case upon another ground; if he was led into an opinion of grievances, where there were none, if he thought there ought to be a reform, where none was necessary, he is answerable only for his intention. He can be answerable to you in the same way only that he is answerable to that God, before whom the accuser, the accused, and the judge, must appear together; that is, not for the clearness of his understanding, but for the purity of his heart.

Gentlemen, Mr. Attorney-General has said, that Mr. Rowan did by this publication (supposing it to be his) recommend, under the name of equality, a general indiscriminate assumption of public rule, by every the meanest person in the state.

Low as we are in point of public information, there is not, I believe, any man, who thinks for a moment, that does not know that all which the great body of the people of any country can have from any government, is a fair encouragement to their industry, and protection for the fruits of their labor. And there is scarcely any man, I believe, who does not know, that if a people could become so silly as to abandon their stations in society, under pretence of governing themselves, they would become the dupes and the victims of their own folly. But does this publication recommend any such infatuated abandonment, or any such desperate assumption? I will read the words which relate to that subject: "By liberty, we never understood unlimited freedom; nor by equality, the levelling of property, or the destruction of subordination." I ask you, with what justice, upon what principle of common sense, you can charge a man with the publication of sentiments the very reverse of what his words avow, and that, when there is no collateral evidence, where there is no foundation whatever, save those very words, by which his meaning can be ascertained? Or, if you do adopt an arbitrary principle of imputing to him your meaning, instead of his own, what publication can be guiltless or safe? It is a sort of accusation that I am ashamed and sorry to see introduced in a court acting on the principles of the British constitution.

In the bitterness of reproach it was said, "Out of thine own mouth will I condemn thee." From the severity of justice I demand no more. See if, in the words that have been spoken, you can find matter to acquit or condemn: "By liberty, we never understood unlimited freedom; nor by equality, the levelling of property, or the destruction of subordination. This is a calumny invented by that faction, or that gang, which misrepresents the King to the people, and the people to the King—traduces one half of the nation, to cajole the other—and, by keeping up distrust and division, wishes to continue the proud arbitrator of the fortune and fate of Ireland." Here you find that meaning, disclaimed as a calumny, which is artfully imputed as a crime.

I say, therefore, gentlemen of the jury, as to the four parts into which the publication must be divided, I answer thus. It

calls upon the Volunteers. Consider the time, the danger—the authority of the prosecutors themselves for believing that danger to exist—the high character, the known moderation, the approved loyalty of that venerable institution—the similarity of the circumstances between the period at which they were summoned to take arms, and that in which they have been called upon to re-assume them. Upon this simple ground, gentlemen, you will decide, whether this part of the publication was libellous and criminal or not.

As to reform, I could wish to have said nothing upon it; I believe I have said enough. If Mr. Rowan, in disclosing that opinion, thought the state required it, he acted like an honest man. For the rectitude of the opinion he was not answerable; he discharged his duty in telling the country he thought so.

As to the Emancipation of the Catholics, I cannot but say that Mr. Attorney-General did very wisely in keeping clear of that subject. Yet, gentlemen, I need not tell you how important a figure it was intended to make upon the scene; though, from unlucky accidents, it has become necessary to expunge it during the rehearsal.*

Of the concluding part of this publication, the convention which it recommends, I have spoken already. I wish not to trouble you with saying more upon it. I feel that I have already trespassed much upon your patience. In truth, upon a subject embracing such a variety of topics, a rigid observance either of conciseness or arrangement could, perhaps, scarcely be expected. It is, however, with pleasure I feel I am drawing to a close, and that only one question remains, to which I would beg your attention.

Whatever, gentlemen, may be your opinion of the meaning of this publication, there yet remains a great point for you to decide upon—namely, whether, in point of fact, this publication be imputable to Mr. Rowan, or not?—whether he did publish it or not?—Two witnesses are called upon to that fact—one of the name of Lyster, and the other of the name of Morton. You must have observed that Morton gave no evidence upon which that paper could have even been read; he

* Referring to the Emancipation Act of 1793.

produced no paper—he identified no paper—he said that he got some paper, but that he had given it away. So that, in point of law, there was no evidence given by him, on which it could have gone to a jury; and, therefore, it turns entirely upon the evidence of the other witness. He has stated that he went to a public meeting, in a place where there was a gallery crowded with spectators, and that he there got a printed paper, the same which has been read to you.

I know you are well acquainted with the fact, that the credit of every witness must be considered by, and rest with the jury. They are the sovereign judges of that; and I will not insult your feelings by insisting on the caution with which you should watch the testimony of a witness that seeks to affect the liberty, or property, or character of your fellow-citizens. Under what circumstances does this evidence come before you? The witness says he has got a commission in the army, by the interest of a lady, from a person then high in administration. He told you that he made a memorandum upon the back of that paper, it being his general custom, when he got such papers, to make an indorsement upon them—that he did this from mere fancy—that he had no intention of giving any evidence on the subject—"he took it with no such view." There is something whimsical enough in this curious story. Put his credit upon the positive evidence adduced to his character. Who he is I know not—I know not the man; but his credit is impeached. Mr. Blake was called; he said he knew him. I asked him, "Do you think, sir, that Mr. Lyster is or is not a man deserving credit upon his oath?" If you find a verdict of conviction, it can be only upon the credit of Mr. Lyster. What said Mr. Blake? Did he tell you that he considered him a man to be believed upon his oath? He did not attempt to say that he did. The best he could say was, that he "would hesitate." Do you believe Blake? Have you the same opinion of Lyster's testimony that Mr. Blake has? Do you know Lyster? If you do know him, and know that he is credible, your knowledge should not be shaken by the doubts of any man. But if you do not know him, you must take his credit for an unimpeached witness, swearing that he would hesitate to believe him. In my mind, there is a

circumstance of the strongest nature that came out from Lyster on the table. I am aware that a most respectable man, if impeached by surprise, may not be prepared to repel a wanton calumny by contrary testimony. But was Lyster unapprised of this attack upon him? What said he? "I knew that you had Blake to examine against me—you have brought him here for that purpose." He knew the very witness that was to be produced against him—he knew that his credit was impeached—and yet he produced no person to support that credit. What said Mr. Smith? "From my knowledge of him, I would not believe him upon his oath."

Mr. Attorney-General.—I beg pardon, but I must set Mr. Curran right. Mr. Lyster said he had heard Blake would be here, but not in time to prepare himself.

Mr. Curran.—But what said Mrs. Hatchell? Was the production of that witness a surprise upon Mr. Lyster? Her cross-examination shows the fact to be the contrary. The learned counsel, you see, was perfectly apprised of a chain of private circumstances, to which he pointed his questions. This lady's daughter was married to the elder brother of the witness Lyster. Did he know these circumstances by inspiration? No; they could come only from Lyster himself. I insist, therefore, that the gentleman knew his character was to be impeached; his counsel knew it, and not a single witness has been produced to support it. Then consider, gentlemen, upon what ground can you find a verdict of conviction against my client, when the only witness produced to the fact of publication is impeached, without even an attempt to defend his character? Many hundreds, he said, were at that meeting. Why not produce one of them, to swear to the fact of such a meeting? One he has ventured to name; but he was certainly very safe in naming a person, who, he has told you, is not in the kingdom, and could not, therefore, be called to confront him.

Gentlemen, let me suggest another observation or two, if still you have any doubt as to the guilt or innocence of the defendant. Give me leave to suggest to you what circumstances you ought to consider, in order to found your verdict. You should consider the character of the person accused; and in

this your task is easy. I will venture to say, there is not a man in this nation more known than the gentleman who is the subject of this prosecution; not only by the part he has taken in public concerns, and which he has taken in common with many, but still more so, by that extraordinary sympathy for human affliction, which, I am sorry to think, he shares with so small a number. There is not a day that you hear the cries of your starving manufacturers in your streets, that you do not also see the advocate of their sufferings—that you do not see his honest and manly figure, with uncovered head, soliciting for their relief—searching the frozen heart of charity for every string that can be touched by compassion, and urging the force of every argument and every motive, save that which his modesty suppresses, the authority of his own generous example. Or if you see him not there, you may trace his steps to the private abode of disease, and famine, and despair—the messenger of heaven, bringing with him food, and medicine, and consolation. Are these the materials of which you suppose anarchy and public rapine to be formed? Is this the man on whom to fasten the abominable charge of goading on a frantic populace to mutiny and bloodshed? Is this the man likely to apostatize from every principle that can bind him to the state—his birth, his property, his education, his character, and his children? Let me tell you, gentlemen of the jury, if you agree with his prosecutors, in thinking that there ought to be a sacrifice of such a man on such an occasion—and upon the credit of such evidence you are to convict him—never did you, never can you give a sentence, consigning any man to public punishment, with less danger to his person or to his fame: for where could the hireling be found to fling contumely or ingratitude at his head, whose private distresses he had not endeavored to alleviate, or whose public condition he had not labored to improve?

I cannot, however, avoid reverting to a circumstance that distinguishes the case of Mr. Rowan from that of the late sacrifice in a neighboring kingdom.*

* Scotland, from whence Messrs. Muir, Palmer, and others, were transported for sedition.

The severer law of that country, it seems—and happy for them that it should—enables them to remove from their sight the victim of their infatuation. The more merciful spirit of our law deprives you of that consolation; his sufferings must remain forever before our eyes, a continual call upon your shame and your remorse. But those sufferings will do more: they will not rest satisfied with your unavailing contrition—they will challenge the great and paramount inquest of society—the man will be weighed against the charge, the witness, and the sentence—and impartial justice will demand, why has an Irish jury done this deed? The moment he ceases to be regarded as a criminal, he becomes of necessity an accuser; and let me ask you, what can your most zealous defenders be prepared to answer to such a charge? When your sentence shall have sent him forth to that stage, which guilt alone can render infamous, let me tell you he will not be like a little statue upon a mighty pedestal, diminishing by elevation; but he will stand a striking and imposing object upon a monument, which, if it does not (and it cannot) record the atrocity of his crime, must record the atrocity of his conviction.

Upon this subject, therefore, credit me when I say, that I am still more anxious for you than I can possibly be for him. I cannot but feel the peculiarity of your situation. Not the jury of his own choice, which the law of England allows, but which ours refuses; collected in that box by a person certainly no friend to Mr. Rowan—certainly not very deeply interested in giving him a very impartial jury. Feeling this, as I am persuaded you do, you cannot be surprised, however you may be distressed, at the mournful presage with which an anxious public is led to fear the worst from your possible determination. But I will not, for the justice and honor of our common country, suffer my mind to be borne away by such melancholy anticipation. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, that your verdict will send him home to the arms of his family, and the wishes of his country. But if, which heaven forbid! it hath still been unfortunately determined, that because he has not bent to power and authority, because he would not bow down before the golden calf, and

worship it, he is to be bound and cast into the furnace; I do trust in God that there is a redeeming spirit in the constitution which will be seen to walk with the sufferer through the flames, and to preserve him unhurt by the conflagration.

February 4th 1794.

[The Recorder applied to set aside the verdict given in the case of Archibald Hamilton Rowan, Esq. The application was grounded upon different affidavits sworn in court, charging, 1st, One of the jurors with a declaration against Mr. Rowan, previous to trial; 2ndly, Partiality in one of the high sheriffs; 3rdly, That John Lyster, the principal evidence, was not to be believed upon his oath; he, as the affidavits stated, having been guilty of perjury. And 4thly,—upon which the learned gentleman rested his case—the misdirection of the court. After much discussion, Mr. Curran followed on the same side, and said:]

It was an early idea, that a verdict in a criminal case could not be set aside *inconsulto rege*; but the law had stood otherwise, without a doubt to impeach its principle, for the last two reigns. Common sense would say, that the discretion of the court should go at least as far in criminal as in civil cases, and very often to go no further would be to stop far short of what was right, as in those great questions where the prosecution may be considered either as an attempt to extinguish liberty, or as a necessary measure for the purpose of representing the virulence of public licentiousness and dangerous faction; where there can be no alternative between guilt or martyrdom; where the party prosecuted must either be considered as a culprit sinking beneath the punishment of his own crimes, or a victim sacrificed to the vices of others. But when it clearly appears that the party has fallen a prey to persecuting combination, there remains but one melancholy question —how far did that combination reach?

There have been two cases lately decided in this very court; the King and Pentland, where the motion was made and refused; and the King and Bowen, where it was granted; both of which show, that captious sophistry and technical pedantry,

have here, as well as in England, given way to liberal and rational inquiry; and that the court will not now, in their discretion, refuse a motion of this kind, unless they can, at the same time, lay their hands upon their hearts, and say, they believe in their consciences, that justice has been done; such was the manly language of one of your lordships, (Mr. Justice Downes,) and such the opinion of the court on a former occasion.

[He then cited 7 Modern 57, as referred to in Bacon, tit. Trial, to show that where there was good ground of challenge to a juror, not known at the trial, it was sufficient cause for setting aside the verdict.]

In England they have a particular act of parliament, entitling the party to strike a special jury to try the fact, and then he has time between the striking and the trial to question the propriety of that jury; here my client had no information, till the instant of trial, who his jurors were to be.

There are certain indulgences granted at times, perhaps by the connivance of humanity, which men who are not entitled to demand them in an open court, obtain, nevertheless, by sidelong means; and perhaps the little breach which affords that light to the mind of the man accused, is a circumstance concerning which the court would feel pain, even if called upon to say, that it should, in all cases, be prevented; but to overturn principles and authorities, for the purpose of oppressing the subject, is what this court will never do.

The first of the affidavits I shall consider, is that of the traverser. I do not recollect whether it states the sheriff, in avowed terms, to be an emissary or a hireling agent of the castle, therefore I do not state it from the affidavit; but he swears that he does believe that he did labor to bring into the box a jury full of prejudices, and of the blackest impressions; instead of having, as they ought, fair and impartial minds, and souls like white paper.

This sheriff now stands in court; he might have denied it, if he would; he had an opportunity of answering it; but he has left it an undenied assertion—he was not certainly obliged to answer it; for no man is bound to convict himself. But

there is a part of that charge which amounts at least to this: "Your heart was poisoned against me, and you collected those to be my judges, who, if they could not be under the dominion of bad dispositions, might be, at least, the dupes of good." The most favorable thing that can be said is this, you sought to bring against me honest prejudices, but you brought against me wicked ones. The very general charge that he sought for persons who, he knew, were most likely to bring prejudices with them into the jury box, is a part of the affidavit that it was incumbent on him to answer if he could.

I do not contend, that what is charged in the affidavit would have been a ground of principal challenge to the array; but I hold it to be the better opinion, that a challenge to the array for favor does well lie in the mouth of the defendant. The ancient notion was, you shall not challenge the array for favor, where the King is a party; the King only can challenge for favor; for the principle was, that every man ought to be favorable to the Crown; but, thank God, the advancement of legal knowledge, and the growing understanding of the age, have dissipated such illiberal and mischievous conceptions.

But I am putting too much stress upon such technical, discarded, and antiquated scruples. The true question has been already stated from the authority of Mr. Justice Downes, and that question is—"Has justice been done?"

It is a matter upon which scarce any understanding would condescend to hesitate, whether a man had been fairly tried, whose triers had been collected together by an avowed enemy, whose conduct had been such as to leave no doubt that he had purposely brought prejudiced men into the box. . . .

In every country where freedom obtains, there must subsist parties. In this country, and Great Britain, I trust there never will be a time when there shall not be men found zealous for the actual government of the day. So, on the other hand, I trust there will never be a time, when there will not be found men zealous and enthusiastic in the cause of popular freedom, and of the public rights. If, therefore, a person in public office suffers his own prejudices, however honestly anxious he may be for a prosecution carried on by those to whom he is attached, to influence him so far as to choose men, to his

knowledge devoted to the principles he espouses, it is an error which a High Court of Judicature, seeking to do right justice, will not fail to correct.

A sheriff, in such a case, might not have perceived the partiality of his conduct, because he was surveying through the medium of prejudice and habitual corruption; but it is impossible to think that this sheriff meant to be impartial; it is an interpretation more favorable than his conduct will allow of; if he deserves any credit at all, it is for not answering the charge made against him; at the same time, that, by not answering it, he has left unimpeached the credit of the charge itself.

[The sheriff here tendered some form of an affidavit, which the court would not allow to be sworn or read, for the same reason, that those sworn and tendered by the defendant's counsel, had been before refused. Mr. Curran, however, consented to its being sworn and read, which the Attorney-General declined, being unacquainted with the contents, and uninstructed as to its tendency; it, therefore, was not sworn.]

Mr. Curran proceeded—Is this, then, the way to meet a fair application to the court, to see whether justice has been done between the subject and the Crown? I offer it again: let the affidavit be read. And let me remind the court, that the great reason for sending a cause back to a jury is, that new light must be shed upon it; and how must your lordships feel, when you see that indulgence granted to the conscience of the jury denied to the court.

The Attorney-General.—I am concerned that any lawyer should make a proposition in the manner Mr. Curran has done; he proposes to have an affidavit read, provided we consent that others, which the court has already refused, should be now read. I did not hear it offered; but is it to be presumed that I will consent to have an affidavit read, about which I know nothing? Yesterday, without any communication with a human being, I did say, that I conceived it unnecessary to answer any of the affidavits, thinking that they were not sufficient to ground the application made to the court. And it is presumed I am so mad as to consent to the reading of affidavits which I have not seen.

[Mr. Attorney-General, it may be proper to observe, mistook Mr. Curran's proposal, which was an unqualified offer to have Mr. Gifford's affidavit read. Some altercation here took place, when Lord Clonmel, Chief Justice, interposed, and said, that the counsel had certainly a right to argue it on the ground that the sheriff was biased, and did return a jury prejudiced against the traversers.

Mr. Curran was about to observe upon the expression of one of the jury, sworn to in another affidavit, "That there would be no safety in the country, until the defendant was either hanged or banished," when it was asked by the court, whether the time of its coming to the knowledge of the traverser, that the sheriff was biased, was stated in his affidavit?]

Mr. Curran.—He was in prison, and could not have the attendance of those counsel whose assistance he had in court; and, besides, from the nature of the circumstances, it was impossible he could have been sufficiently apprised of its consequences, for he saw not that panel till the day of the trial, when he could not have had time to make any inquiry into the characters, dispositions, or connexions of the jury.

If triers had been appointed to determine the issue, favorable or not, what would have been their finding? Could they say upon their oaths, that he was not unfavorable to that party against whom he could make such a declaration?

Favor is not cause of principal challenge, which, if put upon a pleading, would conclude the party. Favor is that which makes the man, in vulgar parlance, unfit to try the question. And as to the time these facts came to his knowledge, he has sworn that he was utterly ignorant of them at the time of his coming into court to take his trial.

I will not glance at the character of any absent noble person, high in office; but let it be remembered, that it is a government prosecution, and that the witness has, from a low and handicap situation, scraped himself into preferment, perhaps —for I will put the best construction upon it—by offering himself as a man honestly anxious for the welfare of his country; in short, it is too obvious to require any comment, what the nature of the whole transaction has been, that he got his commission as a compensation *pro labore impendendo* and came afterwards into court, to pay down the stipulated purchase.

Had this, then, been an unbiased jury, was there not something in all these circumstances, that might have afforded more deliberation than that of one minute per man, for only so long was the jury out? and, had this been a fair witness, would he have lain down under a charge which, if true, ought not only to damn this verdict, but his character forever? What would a corps of brother officers think of a person, charged upon oath with the commission of two willful perjuries, and that charge remaining undenied? Here is an undenied charge, in point of fact; and although I do not call upon the court to say that this is a guilty and abominable person, yet surely the suspicion is strongly so, and must be considered. This was at least a verdict where the evidence went to the jury, under slighter blemishes than it will if my client has the advantage of another trial; for then he will put it out of the power of man to doubt that this witness has been perjured—this witness, who has had notice both here and at the trial, of the aspersions on his character, and yet has not called a human being to say that he entertained a contrary opinion of him.

Was he known anywhere? Did he crawl unobserved to the castle? Was it without the aid or knowledge of anybody that that gaudy plumage grew on him, in which he appeared in court? If he was known for anything else than what he is stated to be, it was, upon that day, almost a physical impossibility, in a court-house, which almost contained the country, not to have found some person, to give some sort of testimony respecting his general character. For though no man is bound to be ready at all times to answer particular charges, yet every man is supposed to come with his public attestation of common and general probity. But he has left that character, upon the merits of which my client is convicted, unsupported, even by his own poor corporal swearing. You are called upon, then, to say, whether, upon the evidence of a being of this kind, such a man as that is to be convicted, and sentenced to punishment, in a country where humanity is the leading feature even of the criminal law.

I have now to deal with the evidence of the second witness. A man coming to support the credit of another collaterally,

is himself particularly pledged; then, what was his testimony? He did not know whether Mr. Gifford was concerned in the newspaper! And now, you have the silence of Gifford himself, in not answering Mr. Rowan's affidavit, to contradict that. And next, he did not know whether his own cousin-german was the relation of their common uncle! I call upon you, my lords, in the name of sacred justice and your country, to declare whether the melancholy scenes and murderous plots of the Meal-tub and the Rye-house are to be acted over again; and whether every Titus Oates that can be found is to be called into your courts, as the common vouchee of base and perjured accusation.

I also conceive, my lords, that the direction of the court was not agreeable to the law of Ireland. The defence of my client was rested upon this: that there was no evidence of the fact of publication; upon the incredibility of the fact; and the circumstances of discredit in the character of the witness; yet the court made this observation: "Gentlemen, it scarcely lies in the mouth of Mr. Rowan to build a defence upon objections of this kind to the characters of witnesses, because the fact was public; there were many there; the room was crowded below, the gallery was crowded above; and the publicity of the fact enabled him to produce a number of witnesses to falsify the assertion of the prosecutor, if, in fact, it could be falsified!" Is that the principle of criminal law? Is it a part of the British law, that the fate of the accused shall abide, not the positive establishment of guilt by the prosecutor, but the negative proof of innocence by himself? Why has it been said in foolish old books, that the law supposes the innocence of every man, till the contrary is proved? How has it happened that that language has been admired for its humanity, and not laughed at for its absurdity, in which the prayers of the court are addressed to heaven for the safe deliverance of the man accused? How comes it that so much public time is wasted in going into evidence of guilt, if the bare accusation of a man did call upon him to go into evidence of his innocence? The force of the observation is this. Mr. Rowan impeaches the credit of a witness, who has sworn that he saw him present, and doing certain acts, at a certain

meeting; but it is asked, has he substantiated that discredit, by calling all the persons who were present to prove his absence from that meeting, which is only stated to have existed by a witness whom he alleges to have perjured himself? I call upon the example of judicial character; upon the faith of that high office, which is never so dignified as when it sees its errors and corrects them, to say, that the court was for a moment led away, so as to argue from the most seductive of all sophisms, that of the *petitio principii*.

See what meaning is to be gathered from such words: we say the whole that this man has sworn, is a consummate lie; show it to be so, says the court, by admitting a part of it to be true. It is a false swearing; it is a conspiracy of two witnesses against this defendant; well, then, it lies upon him to rebut their testimony, by proving a great deal of it to be true! Is conjecture, then, in criminal cases, to stand in the place of truth and demonstration? Why were not some of those, (I will strip the case of the honor of names which I respect,) but why were not some of those, who knew that these two persons were to be brought forward, and that there were to be objections to their credit, if, as it is stated, it happened in the presence of a public crowd, rushing in from motives of curiosity, why were not numbers called on to establish that fact? On the contrary, the court have said to this effect: Mr. Rowan, you say you were not there; produce any of those persons with whom you were there, to swear you were not there! You say it was a perjury; if so, produce the people, that he has perjured himself in swearing to have been there! But as to your own being there, you can easily show the contrary of that, by producing some man that you saw there! You say you were not there! Yes. There were one hundred and fifty persons there: now produce any one of those to swear they saw you there!

It is impossible for the human mind to suppose a case, in which infatuation must have prevailed in a more progressive degree, than when a jury are thus, in fact, directed to receive no refutation, nor proof of the perjury of the witness, but only of his truth. We will permit you to deny the charge, by establishing the fact: we will permit you to prove that they

swore falsely to your being there, by producing another witness to prove to a certainty that you were there.

[Mr. Curran was here interrupted by Lord Chief Justice Clonmel.]

Lord Clonmel.—The reasoning of the court was strong upon that point; this is a transaction stated by the witness to have happened in open day, in a crowded assembly, in the capital, amidst a number of persons dressed in the uniform of Hamilton Rowan. There has been nothing suddenly brought forward to surprise the traverser; yet what has he done? Did he offer, as in the common course, to prove an alibi? It is stated to be at such a day; the witness swears at such an hour; the place is sworn to have been full of people, of Mr. Rowan's friends; but if there was even a partial assembly, it would be easy still to produce some one of those persons who were present, to say, that the fact did not happen which has been sworn to; or if you say Mr. Rowan was not there, it is easier still to prove it, by showing where he was; as thus: I breakfasted with him, I dined with him, I supped with him; he was with me, he was not at Purdon's: disprove that assertion by proving an affirmation inconsistent with it.

Mr. Curran.—I beg leave to remind the court of what fell from it. "He may call," said the court, "any of those persons; he has not produced one of them;" upon this, I think, a most material point does hang. "He might have called them, for they were all of his own party."

Lord Clonmel.—That is, if there were such persons there, or if there was no meeting at all, he might have proved that.

Mr. Curran.—There was no such idea put to the jury, as whether there was a meeting or not: it was said they were all of his party, he might have produced them; and the non-production of them was a "volume of evidence" upon that point. No refinement can avoid this conclusion, that, even as your lordship now states the charge, the fate of the man must depend upon proving the negative.

Until the credit of the witness was established, he could not be called upon to bring any contrary evidence. What does the duty of every counsel dictate to him, if the case is not

made out by his adversary or prosecutor? Let it rest; the court is bound to tell the jury so, and the jury are bound to find him not guilty. It is a most unshaken maxim, that *nemo tenetur prodere seipsum.* And it would indeed be a very inquisitorial exercise of power, to call upon a man to run the risk of confirming the charge, under the penalty of being convicted by *nil dicit.* Surely, at the criminal side of this court, as yet, there has been no such judgment pronounced. It is only when the party stands mute from malice, that such extremes can be resorted to. I never before heard an intimation from any judge to a jury, that bad evidence, liable to any and every exception, ought to receive a sanction from the silence of the party. The substance of the charge was neither more nor less than this: that the falsehood of the evidence shall receive support and credit from the silence of the man accused. With anxiety for the honor and religion of the law, I demand it of you, must not the jury have understood that this silence was evidence to go to them? is the meaning contained in the expression, "a volume of evidence," only insinuation? I do not know where any man could be safe; I do not know what any man could do to screen himself from prosecution; I know not how he could be sure, even when he was at his prayers before the throne of heaven, that he was not passing that moment of his life, on which he was to be charged with the commission of some crime, to be expiated to society by the forfeiture of his liberty or of his life; I do not know what shall become of the subject, if a jury are to be told that the silence of the man charged is a "volume of evidence" that he is guilty of the crime; where is it written? I know there is a place where vulgar frenzy cries out, that the public instrument must be drenched in blood; where defence is gagged, and the devoted wretch must perish. But even there, the victim of such tyranny is not made to fill, by voluntary silence, the defects of his accusation; for his tongue is tied, and therefore no advantage is taken of him by construction; it cannot be there said that his not speaking is a volume of evidence to prove his guilt.

But to avoid all misunderstanding, see what is the force of my objection; is it, that the charge of the court cannot receive

a practicable interpretation, that may not terrify men's minds with ideas such as I have presented? No; I am saying no such thing; I have lived too long, and observed too much, not to know, that every word in a phrase is one of the feet upon which it runs, and how the shortening or lengthening of one of those feet will alter the progress or direction of its motion. I am not arguing that the charge of the court cannot by any possibility be reconciled to the principles of law; I am agitating a more important question; I am putting it to the conscience of the court, whether a jury may not have probably collected the same meaning from it which I have affixed to it; and whether there ought not to have been a volume of explanation, to do away the fatal consequences of such mistake.

On what sort of a case am I now speaking? on one of that kind with which it is known the public heart has been beating for many months; which, from a single being in society has scarcely received a cool or tranquil examination. I am making that sort of application which the expansion of liberal reason and the decay of technical bigotry have made a favored application.

In earlier times, it might have been thought sacrilege to have meddled with a verdict once pronounced; since then, the true principles of justice have been better understood; so that now, the whole wisdom of the whole court will have an opportunity of looking over that verdict, and setting right the mistake which has occasioned it.

[Mr. Curran made other observations, as well in corroboration of his own remarks, as in answer to the opposite counsel, of which it is impossible to give an exact detail, and concluded:]

You are standing on the scanty isthmus that divides the great ocean of duration, on one side of the past, on the other of the future; a ground that, while you yet hear me, is washed from beneath our feet. Let me remind you, my lords, while your determination is yet in your power, "*Dum versatur adhuc intra penetralia Vestæ,*" that on that ocean of future you must set your judgment afloat. And future ages will assume the same authority which you have assumed; posterity feel the same emotions which you have felt, when your little hearts

have beaten, and your infant eyes have overflowed, at reading the sad history of the sufferings of a Russell or a Sidney.

[The court sentenced Rowan to a fine of £500, and two years' imprisonment, and to find security, but he escaped to France.]

SPEECH ON CATHOLIC EMANCIPATION.

October 17th, 1796.

[On the 17th of October, Grattan moved "that the admissibility of persons professing the Roman Catholic religion to seats in parliament is consistent with the safety of the Crown and the connexion of Ireland with Great Britain." George Ponsonby seconded it, and it was opposed with fury by the government. The speaker immediately preceding Curran was Dr. Duigenan, who attacked the Catholics collectively and individually, past, present, and future, in most insolent language. Curran said :]

I declare, sir, that I have no words to express the indignation I feel at the despicable attempt to skulk from the discussion of so important and so necessary a question, by the affectation of an appeal to our secrecy and our discretion ; the ludicrous, the ridiculous secrecy of a public assembly ; the nonsense of pretending to conceal from the world what they know as well, or better, than ourselves ; the rare discretion of an Irish parliament hiding from the Executive Directory of the French Republic the operations of their own armies ; concealing from them their victories in Italy, or their humiliation of Great Britain ; concealing from them the various coquetry of her negotiations, and her now avowed solicitations for a peace. As ridiculous and as empty is the senseless parade of affecting to keep our own deliberations a secret. Rely upon it, sir, if our enemies condescend to feel any curiosity as to our discussion, you might as well propose to conceal from them the course of the Danube, or the course of the Rhine, as the course of a debate in this assembly, as winding, perhaps, and perhaps as muddy as either. But the folly of the present advocates for silence and for secrecy goes still farther : it proposes to keep all

these matters a profound secret from ourselves; it goes to the extravagant length of saying, that if we be beaten, we are not to deliberate upon the means of repairing our disasters, because that would be to own that we were beaten; that if the enemy were at our gates it would not be prudent to acknowledge so terrifying a fact, even in considering the means of repelling him; that if our people are disaffected, we ought to be peculiarly cautious of any measures that can possibly tend to conciliation and union, because the adoption, or even the discussion, of such measures, would be in effect to tell ourselves, and to tell all the world, that the people are disaffected. The infatuation or the presumption of ministers goes even further than this—it insists upon the denial and the avowal of the very same facts; that we are to be alarmed with an invasion, for the purpose of making us obsequious to all the plans of ministers for intrenching themselves in their places; that we are to be panic-struck for them, but disdainful for ourselves; that our people are to be disaffected, and the consequences of that disaffection to be the most dangerous and the most imminent, for the purpose of despoiling ourselves of our best and most sacred privileges. So imminent is this danger, that it is declared by ministers and by their adherents, that in order to preserve our liberties forever, it is absolutely necessary to surrender them for a time; the surrender has been actually made. So frightfully disunited and divided are we, that we cannot venture to trust ourselves with the possession of our freedom, but we are all united as one man against redressing the grievances of the great majority of ourselves; we are all united as one man against the conciliation of our animosities, and the consolidation of our strength. I, for one, will never submit to be made the credulous dupe of an imposture so gross and so impudent. I know that the times are critical indeed; I know that it is necessary to open our eyes to our danger, and to meet it in the front; to consider what that danger is, and to consider of the best, and, perhaps, the only, possible means of averting it. For these reasons I consider the resolution not only a measure of justice and of honesty, but of the most pressing necessity.

[Mr. Curran entered largely into the state of the empire and of its allies—of the disposition of our enemies towards Great Britain

—of the nature of their political principles, and of the rapid dissemination of those principles.]

It is difficult to tell whether the dissemination of these principles is likely to be more encouraged, by the continuance of the war or by the establishment of a peace; and if the war be, as has been repeatedly insisted on, a war on our part for the preservation of social order and of limited monarchy, an immediate necessity exists of making those objects the common interest and the common cause of every man in the nation. I spurn the idea of any disloyalty in the Catholics,—an idea which is sometimes more than intimated, and sometimes as vehemently disclaimed, by the enemies of Catholic emancipation. But the Catholics are men, and are, of course, sensible to the impression of kindness and injury, and of insult; they know their rights, and feel their wrongs, and nothing but the grossest ignorance, or the meanest hypocrisy, can represent them as cringing with a slavish fondness to those who oppress and insult them. I sought to remove their oppressions, in order to make the interests of the whole nation one and the same; to this great object the resolution moved by my right honorable friend, manifestly tends; and I lament exceedingly that so indecent and so disingenuous a way of evading that motion has been resorted to, as passing to the order of the day—a conduct that, however speciously the gentlemen who have adopted it may endeavor to excuse, can be regarded by the Catholics, and by the public, no otherwise than as an expression of direct hostility to the Catholic claims. It has been asserted that the Catholics are already in possession of civil liberty, and are only seeking for political power. What is it, then, that we are so anxiously withholding, and so greedily monopolizing? The answer which has been given to that assertion, by a learned and honorable friend near me, (Mr. W. Smith,) is that of a true patriot, and of a sound constitutional lawyer; namely—that civil liberty was a shadow, without a sufficient portion of political power to protect it.

[Having replied to the arguments of several members who had preceded him in the debate, Mr. Curran came to the speech that

had been delivered by Mr. Duigenan, and entertained the House, for about half an hour, with the most lively sallies of wit and humor.]

The learned doctor has made himself a very prominent figure in this debate. Furious, indeed, has been his anger, and manifold his attack; what argument, or what man, or what thing has he not abused? Half choked by his rage in refuting those who have spoken, he has relieved himself by attacking those who have not spoken. He has abused the Catholics, he has abused their ancestors, he has abused the merchants of Ireland, he has abused Mr. Burke, he has abused those who voted for the order of the day.

I do not know but I ought to be obliged to the learned doctor, for honoring me with a place in the invective; he has called me the bottle-holder of my right honorable friend. Sure I am, that if I had been the bottle-holder of both, the learned doctor would have less reason to complain of me than my right honorable friend; for him I should have left perfectly sober, whilst it would very clearly appear, that, with respect to the learned doctor, the bottle had not only been managed fairly, but generously; and if, in furnishing him with liquor, I had not furnished him with argument, I had, at least, furnished him with a good excuse for wanting it; with the best excuse for that confusion of history and divinity, and civil law and canon law—that rollicking mixture of politics and theology, and antiquity, with which he has overwhelmed the debate; for the havoc and carnage he has made of the population of the last age, and the fury with which he seemed determined to exterminate, and even to devour the population of this; and which urged him, after tearing and gnawing the characters of the Catholics, to spend the last efforts of his rage with the most unrelenting ferocity, in actually gnawing their names. [Alluding to Dr. Duigenan's pronunciation of the name of Mr. Keogh, and which, Mr. Curran said, was a kind of pronunciatory defamation.] In truth, sir, I felt some surprise, and some regret, when I heard him describe the sceptre of lath, and tiara of straw, and mimic his bedlamite Emperor and Pope with such refined and happy gesticulation,

that he could be prevailed on to quit so congenial a company. I should not, however, be disposed to hasten his return to them, or to precipitate the access of his fit, if, by a most unlucky felicity of indiscretion, he had not dropped some doctrines which the silent approbation of the minister seemed to have adopted. I do not mean, amongst these doctrines, to place the learned doctor's opinions touching the revolution, nor his wise and valorous plan, in case of an invasion, of arming the beadles and the sextons, and putting himself in wind for an attack upon the French, by a massacre of the Papists; the doctrine I mean is, that Catholic franchise is inconsistent with British connexion. Strong, indeed, must the minister be in so wild and desperate a prejudice, if he can venture, in the fallen state of the empire, under the disasters of the war, and with an enemy at the gate—if he can dare to state to the great body of the Irish nation, that their slavery is the condition of their connexion with England; that she is more afraid of yielding to Irish liberty than of losing Irish connexion. The denunciation is not yet upon record; it might yet be left with the learned doctor, who, I hope, has embraced it only to make it odious—has hugged it in his arms with the generous purpose of plunging with it into the deep, and exposing it to merited derision, even at the hazard of the character of his own sanity. It is yet in the power of the minister to decide whether a blasphemy of this kind shall pass for the mere ravings of frenzy, or for the solemn and mischievous lunacy of a minister. I call, therefore, again to rouse that minister from his trance, and in the hearing of the two countries, to put this question to him, which must be heard by a third. Whether at no period, upon no event, at no extremity, we are to hope for any connection with Britain, except that of the master and the slave, and this, even without the assertion of any fact that could support such a proscription? It is necessary, I find, to state the terms and the nature of the connexion; it has been grossly misrepresented; it is a great federal contract between perfectly equal nations, pledging themselves to equal fate, upon the terms of equal liberty—upon perfectly equal liberty. The motive to that contract is the mutual benefit to each—the object of it their mutual and common

benefit; the condition of the compact is, the honest and fair performance of it, and from that honest and fair performance, and from that only, arises the obligation of it. If England show a decided purpose of invading our liberty, the compact, by such an act of foulness and perfidy, is broken, and the connexion utterly at an end; but I say, the resolution moved for by my right honorable friend, to the test of this connexion, to invade our liberty, is a dissolution of it.

But what is liberty, as known to our constitution? It is a portion of political power necessary to its conservation; as, for instance, the liberty of the Commons of those kingdoms is that right, accompanied with a portion of political power to preserve it against the Crown and against the aristocracy. It is by invading the power that the right is attacked in any of its constituent parts; hence it is, that if the Crown show a deliberate design of so destroying it, it is an abdication; and let it be remembered that by our compact we have given up no constitutional right. Therefore I am warranted, as a constitutional lawyer, in stating, that if the Crown or its ministers, by force or by fraud, destroy that fair representation of the people, by which alone they can be protected in their liberty, it is a direct breach of the contract of connexion; and I do not scruple to say, that if a House of Commons could be so debased as to deny the right stated in the resolution, it is out of their own mouths conclusive evidence of the fact.

I insist that the claim of the Catholics to that right is directly within the spirit of the compact. And what are the arguments advanced against the claim? One is an argument which, if founded on fact, would have some weight; it is, that the Catholics did not make the claim at all. Another argument is used, which, I think, has as little foundation in fact, and is not very easily to be reconciled to the other—it is, that the Catholics make their claim with insolence, and attempt to carry their object by intimidation. Let gentlemen take this fact, if they please, in opposition to their own denial of it. The Catholics then do make the demand. Is their demand just?—is it just that they should be free?—is it just that they should have franchise? The justice is expressly admitted. Why not give it, then? The answer is, they demand it with insolence.

Suppose that assertion, false as it is in fact, to be true, is it any argument with a public assembly, that any incivility of demand can cover the injustice of refusal? How low must that assembly be fallen which can suggest as an apology for the refusal of an incontestable right, the answer which a bankrupt buck might give to the demand of his tailor—he will not pay the bill, because "the rascal had dared to threaten his honor."

As another argument against their claims, their principles have been maligned; the experience of a century is the refutation of the aspersion. The articles of their faith have been opposed, by the learned doctor, to the validity of their claims. Can their religion be an objection, where a total absence of all religion, where atheism itself, is none? The learned doctor, no doubt, thought he was praising the mercy with which they have been governed, when he dilated upon their poverty; but can poverty be an objection in an assembly whose humble and Christian condescension shut not its doors even against the common beggar? He has traduced some of them by name: "Mr. Byrne, Mr. Keogh, and four or five ruffians from the Liberty;" but this is something better than frenzy; this is something better than the want of mere feeling and decorum; there cannot, perhaps, be a better way of evincing a further and more important want of the Irish nation, the want of a reformed representation of the people in parliament. For what can impress the necessity of it more strongly upon the justice, upon the humanity, the indignation, and the shame of an assembly of Irish gentlemen, than to find the people so stripped of all share in the representation, as that the most respectable class of our fellow-citizens, men who have acquired wealth upon the noblest principle, the practice of commercial industry and integrity, could be made the butts of such idle and unavailing, such unworthy, such shameful abuse, without the possibility of having an opportunity to vindicate themselves—when men of that class can be exposed to the degradation of unanswered calumny, or the more bitter degradation of eleemosynary defence?

[Mr. Curran touched upon a variety of other topics, and concluded with the most forcible appeal to the Minister, to the House,

and to the country, upon the state of public affairs at home and abroad.]

I insist that the measure is not, as it has been stated to be, a measure of mere internal policy; it is a measure that involves the question of right and wrong, of just and unjust; but it is more; it is a measure of the most absolute necessity, which cannot be denied, and which cannot safely be delayed. I cannot foresee future events; I cannot be appalled by the future, for I cannot see it; but the present I can see, and I cannot but see that it is big with danger: it may be the crisis of political life, or political extinction; it is a time fairly to state to the country whether they have anything, and what, to fight for; whether they are to struggle for a connexion of tyranny or of privilege; whether the administration of England will let us condescend to forgive the insolence of her happier days; or whether, as the beams of her prosperity have wasted and consumed us, so even the frost of her adversity shall perform the deleterious effects of fire, and burn upon our privileges and our hopes forever.

PARLIAMENTARY REFORM.

May 15*th*, 1797.

[Mr. W. Ponsonby, in a short prefatory speech, proposed his Resolutions on Parliamentary Reform. Before he moved any of them specifically, he read them all to the House. They are in substance as follow:]

"Resolved, that it is indispensably necessary to a fundamental reform of the representation, that all disabilities on account of religion be for ever abolished, and that Catholics shall be admitted into the legislature, and all the great offices of state in the same extent, etc., as Protestants now are.

'That it is the indispensable right of the people of Ireland to be fully and fairly represented in parliament.

"That in order that the people may be fully enabled to exercise that right, the privilege of returning members for cities, boroughs, etc., in the present form, shall cease; that each county be divided into districts, consisting of 6,000 houses each, each district to return two members to parliament.

"That all persons possessing freehold property to the amount of 40s. per annum; all possessed of leasehold interests, of the value of ; all possessed of a house of the value of ; all who have resided for a certain number of years in any great city or town, following a trade; and all who shall be free of any city, etc., by birth, marriage, or servitude, shall vote for members of parliament.

"That seats in parliament shall endure for number of years. (The blanks were left to be filled up by the discretion of the House.)"

I consider this as a measure of justice, with respect to the Catholics, and the people at large. The Catholics in former times groaned under the malignant folly of penal laws—wandered like herds upon the earth—or gathered under some thread-bare grandee, who came to Dublin, danced attendance at the Castle, was smiled on by the secretary, and carried back to his miserable countrymen the gracious promise of favor and protection. They are no longer mean dependents, but owners of their country, and claiming simply and boldly, as Irishmen, the national privileges of men, and natives of their country.

[Upon this part of the question, he went into a variety of very interesting topics, descriptive of their importance and their oppressions, which he attributed wholly to the wicked propagation of religious antipathies, and concluded that their claim to perfect freedom in their own land could be denied only by the grossest malignity and tyranny.]

I now proceed to answer the objections to the measure. I was extremely shocked to see the agent of a foreign cabinet rise up in the assembly that ought to represent the Irish nation, and oppose a motion that was made on the acknowledged and deplored corruption which has been imported from this country. Such an opposition is a proof of the charge, which I am astonished he could venture upon at so awful a crisis. I doubt whether the charge, or this proof of it, would appear most odious. However, I will examine the objections. It is said —It is not the time. This argument has become a jest in Ire-

land, for it has been used in all times; in war, in peace, in quiet, and in disturbance. It is the miserable, dilatory plea of persevering and stupid corruption, that wishes to postpone its fate by a promise of amendment, which it is resolved never to perform. Reform has become an exception to the proverb that says, there is a time for all things; but for Reform there is no time, because at all times corruption is more profitable to its authors than public virtue and propriety, which they know must be fatal to their views. As to the present time, the objections to it are a compound of the most unblushing impudence and folly. Forsooth it would seem as if the House had yielded through fear. Personal bravery or fear are inapplicable to a public assembly. I know no cowardice so despicable as the fear of seeming to be afraid. To be afraid of danger is not an unnatural sensation; but to be brave in absurdity and injustice, merely from fear of having your sense or honesty imputed to your own apprehension, is a stretch of folly which I have never heard of before. But the time is pregnant with arguments very different, indeed, from those I have heard; I mean the report of the Secret Committee, and the dreadful state of the country. The allegation is, that the people are not to have justice, because a rebellion exists within, and because we have an enemy at our gates—because, forsooth, reform is only a pretext, and separation is the object of the leaders. If a rebellion exist, every good subject ought to be detached from it. But if an enemy threaten to invade us, it is only common sense to detach every subject from the hostile standard, and bring him back to his duty and his country.

The present miserable state of Ireland—its distractions, its distresses, its bankruptcy, are the effects of the war, and it is the duty of the authors of that war to reconcile the people by the most timely and liberal justice; the utmost physical strength should be called forth, and that can be done only by union. This is a subject so tremendous, I do not wish to dwell on it; I will therefore leave it; I will support a Reform on its own merits, and as a measure of internal peace at this most momentous juncture. Its merits are admitted by the objection to the time, because the objection admits that at any other time it would be proper. For twenty years past there

was no man of any note in England or Ireland who did not consider the necessity of it as a maxim; they all saw and confessed that the people are not represented, and that they have not the benefit of a mixed monarchy. They have a monarchy which absorbs the two other estates, and, therefore, they have the insupportable expense of a monarchy, an aristocracy, and a democracy, without the simplicity or energy of any one of those forms of government. In Ireland this is peculiarly fatal, because the honest representation of the people is swallowed in the corruption and intrigue of a cabinet of another country. From this may be deduced the low estate of the Irish people; their honest labor is wasted in pampering their betrayers, instead of being employed, as it ought to be, in accommodating themselves and their children. On these miserable consequences of corruption, and which are all the fatal effects of inadequate representation, I do not wish to dwell. To expatiate too much on them might be unfair, but to suppress them would be treason to the public.

It is said, that reform is only a pretence, and that separation is the real object of leaders; if this be so, confound the leaders by destroying the pretext, and take the followers to yourselves. You say there are one hundred thousand; I firmly believe there is three times the number. So much the better for you: if these seducers can attach so many followers to rebellion, by the hope of reform, through blood, how much more readily will you engage them, not by the promise, but the possession, and without blood? You allude to the British fleet; learn from it to avoid the fatal consequence that may follow even a few days' delay of justice. It is said to be only a pretext; I am convinced of the contrary—I am convinced the people are sincere, and would be satisfied by it. I think so from the perseverance in petitioning for it for a number of years; I think so, because I think a monarchy, properly balanced by a fair representation of the people, gives as perfect liberty as the most celebrated republics of old. But, of the real attraction of this object of reform, you have a proof almost miraculous: the desire of reform has annihilated religious antipathy, and united the country.

In the history of mankind it is the only instance of so fatal

a religious fanaticism being discarded by the good sense of mankind, instead of dying slowly by the development of its folly. And I am persuaded the hints thrown out this night, to make the different sects jealous of each other, will be a detected trick, and will only unite them still more closely. The Catholics have given a pledge to their countrymen of their sincerity and their zeal, which cannot fail of producing the most firm reliance; they have solemnly disclaimed all idea of what is called Emancipation, except as a part of that reform without which their Presbyterian brethren could not be free.

Reform is a necessary change of mildness for coercion. The latter has been tried; what is its success? The convention bill was passed to punish the meetings at Dungannon, and those of the Catholics: the government considered the Catholic concessions as defeats that called for vengeance, and cruelly have they avenged them. But did that act, or those which followed it, put down those meetings? The contrary was the fact. It concealed them most foolishly. When popular discontents are abroad, a wise government should put them into a hive of glass. You hid them. The association, at first, was small; the earth seemed to drink it as a rivulet, but it only disappeared for a season. A thousand streams, through the secret windings of the earth, found their way to one course, and swelled its waters, until at last, too mighty to be contained, it bursts out a great river, fertilizing by its exudations, or terrifying by its cataracts. This is the effect of our penal code: it swelled sedition into rebellion. What else could be hoped from a system of terrorism? Fear is the most transient of all the passions—it is the warning that nature gives for self-preservation. But when safety is unattainable, the warning must be useless, and nature does not, therefore, give it. Administration, therefore, mistook the quality of penal laws; they were sent out to abolish conventions, but they did not pass the threshold—they stood sentinels at the gates. You think that penal laws, like great dogs, will wag their tails to their masters, and bark only at their enemies. You are mistaken—they turn and devour those they are meant to protect and are harmless where they are intended to destroy.

I see gentlemen laugh; I see they are still very ignorant of

the nature of fear; it cannot last; neither while it does can it be concealed. The feeble glimmering of a forced smile is a light that makes the cheek look paler. Trust me, the times are too humanized for such systems of government. Humanity will not execute them, but humanity will abhor them, and those who wish to rule by such means. This is not theory; the experiment has been tried, and proved. You hoped much, and, I doubt not, meant well by those laws; but they have miserably failed you—it is time to try milder methods. You have tried to force the people: the rage of your penal laws was a storm that only drove them in groups to shelter. Your convention law gave them that organization which is justly an object of such alarm; and the very proclamation seems to have given them arms. Before it is too late, therefore, try the better force of reason, and conciliate them by justice and humanity. The period of coercion in Ireland is gone, nor can it ever return until the people shall return to the folly and to the natural weakness of disunion. Neither let us talk of innovation; the progress of nature is no innovation. The increase of people, with the growth of mind, is no innovation; it is no way alarming, unless the growth of our minds lag behind. If we think otherwise, and think it an innovation to depart from the folly of our infancy, we should come here in our swaddling-clothes, we should not innovate upon the dress, more than the understanding of the cradle.

As to the system of peace now proposed, you must take it on principles—they are simply two, the abolition of religious disabilities, and the representation of the people. I am confident the effects would be everything to be wished. The present alarming discontent will vanish, the good will be separated from the evil-intentioned; the friends of mixed government in Ireland are many; every sensible man must see that it gives all the enjoyment of rational liberty if the people have their due place in the state. This system would make us invincible against a foreign or domestic enemy; it would make the empire strong at this important crisis; it would restore to us liberty, industry, and peace, which I am satisfied can never by any other means be restored. Instead, therefore, of abusing the people, let us remember that there is no physical strength

but theirs, and conciliate them by justice and reason. I am censured heavily for having acted for them in the late prosecutions. I feel no shame at such a charge, except that, at such a time as this, to defend the people should be held out as an imputation upon a King's counsel, when the people are prosecuted by the state. I think every counsel is the property of his fellow-subjects. If, indeed, because I wore his Majesty's gown, I had declined my duty, or done it weakly or treacherously—if I had made that gown a mantle of hypocrisy, and betrayed my client, or sacrificed him to any personal view, I might, perhaps, have been thought wiser by those who have blamed me, but I should have thought myself the basest villain upon earth.

The plan of peace, proposed by a Reform, is the only means that I and my friends can see left to save us. It is certainly a time for decision, and not for half measures. I agree that unanimity is indispensable. The House seems pretty nearly unanimous for force; I am sorry for it, for I bode the worst from it. I will retire from a scene where I can do no good—where I certainly would interrupt that unanimity. I cannot, however, go, without a parting entreaty, that gentlemen will reflect on the awful responsibility in which they stand to their country and to their conscience, before they set the example to the people of abandoning the constitution and the law, and resorting to the terrible expedient of force

[Grattan followed him, closing the debate, his speech, and the attendance of the opposition, in these words:]

"Before they are to be reformed, rebellion, you tell us, must be subdued. You tried that experiment in America. America required self-legislation; you attempted to subdue America by force of angry laws, and by force of arms—you exacted of America unconditional submission—the stamp act and the tea tax were only pretexts. So you said. The object, you said, was separation. So here the Reform of Parliament, you say, and Catholic Emancipation are only pretexts; the object you say is separation. And here you exact unconditional submission: "You must subdue before you reform"—indeed! Alas, you think so; but you forget you subdue by reforming. It is the best conquest you can obtain over your own people. But let me suppose you succeed; what is your success?

A military government, a perfect despotism, a hapless victory over the principles of a mild government and a mild constitution. But what may be the ultimate consequence of such a victory?—a separation. Let us suppose that the war continues, and that your conquest over your own people is interrupted by a French invasion. What would be your situation then? I do not wish to think of it, but I wish you to think of it, and to make a better preparation against such an event than such conquests and such victories. When you consider the state of your arms abroad, and the ill-assured state of your government at home, precipitating on such a system, surely you should pause a little. Even on the event of a peace you are ill-secured against a future war, which the state of Ireland, under such a system, would be too apt to invite; but in the event of the continuation of the war, your system is perilous, indeed. I speak without asperity—I speak without resentment; I speak, perhaps, my delusion, but it is my heartfelt conviction—I speak my apprehension for the immediate state of our liberty, and for the ultimate state of the empire. I see, or I imagine I see, in this system, everything which is dangerous to both. I hope I am mistaken—at least, I hope I exaggerate; possibly I may. If so, I shall acknowledge my error with more satisfaction than is usual in the acknowledgment of error. I cannot, however, banish from my memory the lesson of the American war; and yet at that time the English government was at the head of Europe, and was possessed of resources comparatively unbroken. If that lesson has no effect on ministers, surely I can suggest nothing that will. We have offered you our measure—you will reject it; we deprecate yours—you will persevere. Having no hopes left to persuade or dissuade, and having discharged our duty, we shall trouble you no more, and, after this day, shall not attend the House of Commons!"

THE CASE OF PETER FINNERTY.

December 22, 1797.

[The Counsel for the prosecution were the Attorney-General, (Arthur Wolfe,) Prime Sergeant, Solicitor-General, (Toler,) Messrs. Ridgeway, Townshend, and Worthington; for the defence, Curran, Fletcher, M'Nally, Sampson, Shears, and Orr. The Attorney-

General stated the case, and produced witnesses, who proved printing and publication. Mr. Fletcher opened the defence, and called Lord Yelverton and Mr. E. Cooke (Chief Clerk in the Secretary's office) to prove the truth of the libel; but the evidence was soon stopped, as illegal, and then Curran spoke as follows:]

Never did I feel myself so sunk under the importance of any cause. To speak to a question of this kind, at any time, would require the greatest talent and the most mature deliberation; but to be obliged, without either of those advantages, to speak to a subject that has so deeply shaken the feelings of this already irritated and agitated nation, is a task that fills me with embarrassment and dismay.

Neither my learned colleague nor myself received any instruction or license until after the jury were actually sworn, and we both of us came here under an idea that we should not take any part in the trial. This circumstance I mention, not as an idle apology for an effort that cannot be the subject of either praise or censure, but as a call upon you, gentlemen of the jury, to supply the defects of my efforts, by a double exertion of your attention.

Perhaps I ought to regret that I cannot begin with any compliment, that may recommend me or my client personally to your favor. A more artful advocate would probably begin his address to you by compliments on your patriotism, and by felicitating his client upon the happy selection of his jury, and upon that unsuspected impartiality in which, if he was innocent, he must be safe. You must be conscious, gentlemen, that such idle verbiage as that, could not convey either my sentiments, or my client's upon that subject. You know, and we know, upon what occasion you are come, and by whom you have been chosen; you are come to try an accusation professedly brought forward by the state, chosen by a sheriff who is appointed by our accuser.

[The Attorney-General, interrupting Mr. Curran, said the sheriff was elected by the city, and that the observation was therefore unfounded.]

Be it so [continued Mr. Curran]: I will not now stop to inquire whose property the city may be considered to be; but the learned gentleman seems to forget, that the election by

that city, to whomsoever it may belong, is absolutely void without the approbation of that very Lord Lieutenant, who is the prosecutor in this case. I do therefore repeat, gentlemen, that not a man of you has been called to that box by the voice of my client; that he has had no power to object to a single man among you, though the Crown has; and that you yourselves must feel under what influence you are chosen, or for what qualifications you are particularly selected. At a moment when this wretched land is shaken to its centre by the dreadful conflicts of the different branches of the community; between those who call themselves the partisans of liberty, and those who call themselves the partisans of power; between the advocates of infliction and the advocates of suffering; upon such a question as the present, and at such a season, can any man be at a loss to guess to what class of character and opinion, a friend to either party would resort for that jury, which was to decide between both? I trust, gentlemen, you know me too well to suppose that I could be capable of treating you with any personal disrespect: I am speaking to you in the honest confidence of your fellow-citizen. When I allude to those unworthy imputations of supposed bias, or passion, or partiality, that may have marked you out for your present situation, I do so in order to warn you of the ground on which you stand, of the point of awful responsibility in which you are placed, to your conscience, and to your country; and to remind you, that if you have been put into that box from any unworthy reliance on your complaisance or your servility, you have it in your power, before you leave it, to refute and to punish so vile an expectation, by the integrity of your verdict; to remind you, too, that you have it in your power to show to as many Irishmen as yet linger in this country, that all law and justice have not taken their flight with our prosperity and peace; that the sanctity of an oath, and the honesty of a juror are not yet dead amongst us; and that if our courts of justice are superseded by so many strange and terrible tribunals, it is not because they are deficient either in wisdom or virtue.

Gentlemen, it is necessary that you should have a clear idea, first, of the law by which this question is to be decided; sec-

ondly, of the nature and object of the prosecution. As to the first, it is my duty to inform you, that the law respecting libels has been much changed of late. Heretofore, in consequence of some decisions of the judges in Westminster Hall, the jury was conceived to have no province but that of finding the truth of the innuendoes, and the fact of publication; but the libellous nature of that publication, as well as the guilt or innocence of the publication, were considered as exclusively belonging to the court.

In a system like that of law, which reasons logically, no one erroneous principle can be introduced, without producing every other that can be deducible from it. If in the premises of any argument you admit one erroneous proposition, nothing but bad reasoning can save the conclusions from falsehood. So it has been with this encroachment of the court upon the province of the jury with respect to libels. The moment the court assumed as a principle that they, the court, were to decide upon everything but the publication; that is, that they were to decide upon the question of libel or no libel, and upon the guilt or innocence of the intention, which must form the essence of every crime, the guilt or innocence must of necessity have ceased to be material.

You see, gentlemen, clearly, that the question of intention is a mere question of fact.

Now the moment the court determined that the jury was not to try that question, it followed of necessity that it was not to be tried at all; for the court cannot try a question of fact. When the court said that it was not triable, there was no way of fortifying that extraordinary proposition, except by asserting that it was not material. The same erroneous reasoning carried them another step, still more mischievous and unjust; if the intention had been material, it must have been decided upon as a mere fact, under all its circumstances. Of these circumstances, the meanest understanding can see that the leading one must be the truth or the falsehood of the publication; but having decided the intention to be immaterial, it followed that the truth must be equally immaterial, and under the law so distorted, any man in England who published the most undeniable truth and with the purest intention, might be pun-

ished for a crime in the most ignominious manner, without imposing on the prosecutor the necessity of proving his guilt, or his getting any opportunity of showing his innocence.

I am not in the habit of speaking of legal institutions with disrespect; but I am warranted in condemning that usurpation upon the right of juries, by the authority of that statute by which your jurisdiction is restored. For that restitution of justice, the British subject is indebted to the splendid exertions of Mr. Fox and Mr. Erskine, those distinguished supporters of the constitution and of the law; and I am happy to say to you, that though we can claim no share in the glory they have so justly acquired, we have the full benefit of their success; for you are now sitting under a similar act passed in this country, which makes it your duty and right to decide on the entire question upon the broadest grounds, and under all its circumstances, and of course, to determine by your verdict, whether this publication be a false and scandalous libel; false in fact, and published with the seditious purpose alleged, of bringing the government into scandal, and instigating the people to insurrection.

Having stated to you, gentlemen, the great and exclusive extent of your jurisdiction, I shall beg leave to suggest to you a distinction that will strike you at first sight; and that is, the distinction between public animadversions upon the character of private individuals, and those which are written upon measures of government, and the persons who conduct them.

The former may be called personal, and the latter political publications. No two things can be more different in their nature, nor in the point of view in which they are to be looked on by a jury. The criminality of a mere personal libel consists in this, that it tends to a breach of the peace; it tends to all the vindictive paroxysms of exasperated vanity, or to the deeper or more deadly vengeance of irritated pride. The truth is, few men see at once that they cannot be hurt so much as they think by the mere battery of a newspaper. They do not reflect that every character has a natural station, from which it cannot be effectually degraded, and beyond which it cannot be raised by the bawling of a news-hawker. If it is wantonly aspersed, it is but for a season, and that a short one, when it

emerges, like the moon from a passing cloud, to its original brightness. It is right, however, that the law, and that you, should hold the strictest hand over this kind of public animadversion, that forces humility and innocence from their retreat into the glare of public view; that wounds and terrifies, that destroys the cordiality and the peace of domestic life, and that, without eradicating a single vice, or single folly, plants a thousand thorns in the human heart.

In cases of that kind, I perfectly agree with the law as stated from the bench; in such cases, I hesitate not to think, that the truth of a charge ought not to justify its publication. If a private man is charged with a crime, he ought to be prosecuted in a court of justice, where he may be punished if it is true, and the accuser, if it is false. But far differently do I deem of the freedom of political publication. The salutary restraint of the former species, which I talked of, is found in the general law of all societies whatever; but the more enlarged freedom of the press, for which I contend, in political publication, I conceive to be founded in the peculiar nature of the British constitution, and to follow directly from the contract on which the British government hath been placed by the Revolution. By the British constitution, the power of the state is a trust, committed by the people, upon certain conditions, by the violation of which, it may be abdicated by those who hold, and resumed by those who conferred it. The real security, therefore, of the British sceptre, is, the sentiment and opinion of the people, and it is, consequently, their duty to observe the conduct of the government; and it is the privilege of every man to give them full and just information upon that important subject. Hence the liberty of the press is inseparably twined with the liberty of the people.

The press is the great public monitor: its duty is that of the historian and the witness, that "*nil falsi audeat, nil veri non audeat dicere*;" that its horizon shall extend to the farthest verge and limit of truth; that it shall speak truth to the King in the hearing of the people, and to the people in the hearing of the King; that it shall not perplex either the one or the other with false alarm, lest it lose its characteristic veracity, and become an unheeded warner of real danger; lest it should

vainly warn them of that sin, of which the inevitable consequence is death. This, gentlemen, is the great privilege upon which you are to decide; and I have detained you the longer, because of the late change of the law, and because of some observations that have been made, which I shall find it necessary to compare with the principles I have now laid down.

And now, gentlemen, let us come to the immediate subject of the trial, as it is brought before you, by the charge in the indictment, to which it ought to have been confined; and also, as it is presented to you by the statement of the learned counsel who has taken a much wider range than the mere limits of the accusation, and has endeavored to force upon your consideration extraneous and irrelevant facts, for reasons which it is not my duty to explain.

The indictment states simply that Mr. Finnerty has published a false and scandalous libel upon the Lord Lieutenant of Ireland, tending to bring his government into disrepute, and to alienate the affections of the people; and one would have expected, that, without stating any other matter, the counsel for the Crown would have gone directly to the proof of this allegation; but he has not done so; he has gone to a most extraordinary length, indeed, of preliminary observation, and an allusion to facts, and sometimes an assertion of facts, at which, I own, I was astonished, until I saw the drift of these allusions and assertions. Whether you have been fairly dealt with by him, or are now honestly dealt with by me, you must be the judges.

He has been pleased to say, that this prosecution is brought against this letter signed "Marcus," merely as a part of what he calls a system of attack upon the government, by the paper called "The Press." As to this, I will only ask you whether you are fairly dealt with? whether it is fair treatment to men upon their oaths, to insinuate to them, that the general character of a newspaper (and that general character founded merely upon the assertion of the prosecutor) is to have any influence upon their minds, when they are to judge of a particular publication? I will only ask you, what men you must be supposed to be, when it is thought, that even in a court of justice, and with the eyes of the nation upon you,

you can be the dupes of that trite and exploded expedient, so scandalous of late in this country, of raising a vulgar and mercenary cry against whatever man, or whatever principle, it is thought necessary to put down; and I shall, therefore, merely leave it to your own pride to suggest upon what foundation it could be hoped, that a senseless clamor of that kind could be echoed back by the yell of a jury upon their oaths. I trust you see that this has nothing to do with the question.

Gentlemen of the jury, other matters have been mentioned which I must repeat for the same purpose; that of showing you that they have nothing to do with the question. The learned counsel has been pleased to say, that he comes forward in this prosecution as the real advocate for the liberty of the press, and to protect a mild and a merciful government from its licentiousness; and he has been pleased to add, that the constitution can never be lost while its freedom remains, and that its licentiousness alone can destroy that freedom. As to that, gentlemen, he might as well have said, that there is only one mortal disease of which a man can die: I can die the death inflicted by tyranny; and when he comes forward to extinguish this paper, in the ruin of the printer, by a state prosecution, in order to prevent its dying of licentiousness, you must judge how candidly he is treating you, both in the fact and in the reasoning. Is it in Ireland, gentlemen, that we are told licentiousness is the only disease that can be mortal to the press? Has he heard of nothing else that has been fatal to the freedom of publication? I know not whether the printer of the Northern Star may have heard of such things in his captivity; but I know that his wife and children are well apprised that a press may be destroyed in the open day, not by its own licentiousness, but by the licentiousness of a military force.

As to the sincerity of the declaration, that the state has prosecuted, in order to assert the freedom of the press, it starts a train of thought—of melancholy retrospect and direful prospect—to which I did not think the learned counsel would have wished you to commit your minds. It leads you naturally to reflect at what times, from what motives, and with what consequences, the government has displayed its patriotism, by pro-

secutions of this sort. As to the motives, does history give you a single instance in which the state has been provoked to these conflicts, except by the fear of truth and by the love fo vengeance? Have you ever seen the rulers of any country bring forward a prosecution from motives of filial piety, for libels upon their departed ancestors? Do you read that Elizabeth directed any of those state prosecutions against the libels which the divines of her times had written against her Catholic sister, or against the other libels which the same gentlemen had written against her Protestant father? No, gentlemen, we read of no such thing; but we know she did bring forward a prosecution from motives of personal resentment; and we know that a jury was found time-serving and mean enough to give a verdict which she was ashamed to carry into effect.

I said the learned counsel drew you back to the times that have been marked by these miserable conflicts. I see you turn your thoughts to the reign of the second James. I see you turn your eyes to those pages of governmental abandonment, of popular degradation, of expiring liberty, of merciless and sanguinary persecution; to that miserable period, in which the fallen and abject state of man might have been almost an argument in the mouth of the atheist and the blasphemer, against the existence of an all-just and an all-wise First Cause; if the glorious era of the Revolution that followed it had not refuted the impious inference, by showing that if a man descends, it is not in his own proper motion; that it is with labor and with pain; that he can continue to sink only until, by the force and pressure of the descent, the spring of his immortal faculties acquires that recuperative energy and effort that hurries him as many miles aloft; that he sinks but to rise again. It is at that period that the state seeks for shelter in the destruction of the press; it is in a period like that, that the tyrant prepares for an attack upon the people, by destroying the liberty of the press; by taking away that shield of wisdom and of virtue, behind which the people are invulnerable; in whose pure and polished convex, ere the lifted blow has fallen, he beholds his own image, and is turned into stone. It is at those periods that the honest man dares not speak, because truth is

too dreadful to be told ; it is then humanity has no ears, because humanity has no tongue. It is then the proud man scorns to speak, but, like a physician baffled by the wayward excesses of a dying patient, retires indignantly from the bed of an unhappy wretch, whose ear is too fastidious to bear the sound of wholesome advice, whose palate is too debauched to bear the salutary bitter of the medicine that might redeem him ; and therefore leaves him to the felonious piety of the slaves that talk to him of life, and strip him before he is cold.

I do not care, gentlemen, to exhaust too much of your attention, by following this subject through the last century with much minuteness ; but the facts are too recent in your mind not to show you, that the liberty of the press and the liberty of the people sink and rise together ; that the liberty of speaking and the liberty of acting have shared exactly the same fate. You must have observed in England, that their fate has been the same in the successive vicissitudes of their late depression ; and sorry I am to add, that this country has exhibited a melancholy proof of their inseparable destiny, through the various and fitful stages of deterioration, down to the period of their final extinction, when the constitution has given place to the sword, and the only printer in Ireland who dares to speak for the people is now in the dock.

Gentlemen, the learned counsel has made the real subject of this prosecution so small a part of his statement, and has led you into so wide a range—certainly as necessary to the object, as inapplicable to the subject of this prosecution—that I trust you will think me excusable in having somewhat followed his example. Glad am I to find that I have the authority of the same example for coming at last to the subject of this trial. I agree with the learned counsel that the charge made against the Lord Lieutenant of Ireland is that of having grossly and inhumanly abused the royal prerogative of mercy, of which the King is only the trustee for the benefit of the people. The facts are not controverted. It has been asserted that their truth or falsehood is indifferent, and they are shortly these, as they appear in this publication.

William Orr was indicted for having administered the oath of a United Irishman. Every man now knows what the oath is ; that it is simply an engagement, first, to promote a bro-

therhood of affection among men of all religious distinctions; secondly, to labor for the attainment of a parliamentary reform; and thirdly, an obligation of secrecy, which was added to it when the convention law made it criminal and punishable to meet by any public delegation for that purpose.

After remaining upwards of a year in jail, Mr. Orr was brought to his trial; was prosecuted by the state; was sworn against by a common informer of the name of Wheatley, who himself had taken the obligation; and was convicted under the Insurrection Act, which makes the administering such an obligation felony of death. The jury recommended Mr. Orr to mercy, and the judge, with a humanity becoming his character, transmitted the recommendation to the noble prosecutor in this case. Three of the jurors made solemn affidavit in court, that liquor had been conveyed into their box; that they were brutally threatened by some of their fellow-jurors with criminal prosecution if they did not find the prisoner guilty; and that under the impression of those threats, and worn down by watching and intoxication, they had given a verdict of guilty against him, though they believed him in their consciences to be innocent. That further inquiries were made, which ended in a discovery of the infamous life and character of the informer; that a respite was therefore sent at once, and twice, and thrice, to give time, as Mr. Attorney-General has stated, for his Excellency to consider whether mercy could be extended to him or not; and that with a knowledge of all these circumstances, his Excellency did finally determine that mercy should not be extended to him; and that he was accordingly executed upon that verdict.

Of this publication, which the indictment charges to be false and seditious, Mr. Attorney-General is pleased to say, that the design of it is to bring the courts of justice into contempt. As to this point of fact, gentlemen, I beg to set you right.

To the administration of justice, so far as it relates to the judges, this publication has not even an allusion in any part mentioned in this indictment; it relates to a department of justice, that cannot begin until the duty of the judge closes. Sorry should I be, that, with respect to this unfortunate man, any censure should be flung on those judges who presid-

ed at his trial, with the mildness and temper that became them upon so awful an occasion as the trial of life and death. Sure am I, that if they had been charged with inhumanity or injustice, and if they had condescended at all to prosecute the reviler, they would not have come forward in the face of the public to say, as has been said this day, that it was immaterial whether the charge was true or not. Sure I am, their first object would have been to show that it was false, and readily should I have been an eye-witness of the fact, to have discharged the debt of ancient friendship, of private respect, and of public duty, and upon my oath to have repelled the falsehood of such an imputation.

Upon this subject, gentlemen, the presence of those venerable judges restrains what I might otherwise have said, nor should I have named them at all, if I had not been forced to do so, and merely to undeceive you, if you have been made to believe their characters to have any community of cause whatever with the Lord-Lieutenant of Ireland. To him alone it is confined, and against him the charge is made, as strongly, I suppose, as the writer could find words to express it, that the Viceroy of Ireland has cruelly abused the prerogative of royal mercy, in suffering a man under such circumstances to perish like a common malefactor. For this Mr. Attorney-General calls for your conviction as a false and scandalous libel; and after stating himself every fact that I have repeated to you, either from his statement, or from the evidence, he tells you, that you ought to find it false and scandalous, though he almost in words admits that it is not false, and has resisted the admission of the evidence by which we offered to prove every word of it to be true.

And here, gentlemen, give me leave to remind you of the parties before you.

The traverser is a printer, who follows that profession for bread, and who, at a time of great public misery and terror, when the people are restrained by law from debating under any delegated form; when the few constituents that we have are prevented by force from meeting in their own persons, to deliberate or to petition; when every other newspaper in Ireland is put down by force, or purchased by the administration

(though here, gentlemen, perhaps I ought to beg your pardon for stating without authority; I recollect when we attempted to examine as to the number of newspapers in the pay of the castle, that the evidence was objected to); at a season like this, Mr. Finnerty has had the courage, perhaps the folly, to print the publication in question, for no motive under heaven of malice or vengeance, but in the mere duty which he owes to his family, and to the public.

His prosecutor is the King's minister in Ireland; in that character does the learned gentlemen mean to say, that his conduct is not a fair subject of public observation? Where does he find his authority for that in the law or practice of the sister country? Have the virtues, or the exalted station, or the general love of his people preserved the sacred person even of the royal master of the prosecutor, from the asperity and intemperance of public censure, unfounded as it ever must be, with any personal respect to his Majesty, in justice or truth? Have the gigantic abilities of Mr. Pitt, have the more gigantic talents of his great antagonist, Mr. Fox, protected either of them from the insolent familiarity, and, for aught we know, the injustice with which writers have treated them? What latitude of invective has the King's minister escaped upon the subject of the present war? Is there an epithet of contumely, or of reproach, that hatred or that fancy could suggest, that is not publicly lavished upon them? Do you not find the words, "advocate of despotism," "robber of the public treasure," "murderer of the King's subjects," "debaucher of the public morality," "degrader of the constitution," "tarnisher of the British empire," by frequency of use lose all meaning whatsoever, and dwindle into terms, not of any peculiar reproach, but of ordinary appellation?

And why, gentlemen, is this permitted in that country? I'll tell you why; because in that country they are yet wise enough to see that the measures of the state are the proper subject for the freedom of the press; that the principles relating to personal slander do not apply to rulers or to ministers; that to publish an attack upon a public minister, without any regard to truth, but merely because of its tendency to a breach of the peace, would be ridiculous in the extreme. What breach of

the peace, gentlemen, I pray you, in such a case? Is it the tendency of such publications to provoke Mr. Pitt or Mr. Dundas to break the head of the writer, if they should happen to meet him? No, gentlemen; in that country this freedom is exercised, because the people feel it to be their right; and it is wisely suffered to pass by the state, from a consciousness that it would be vain to oppose it; a consciousness confirmed by the event of every incautious experiment. It is suffered to pass from a conviction that, in a court of justice at least, the bulwarks of the constitution will not be surrendered to the state; and that the intended victim, whether clothed in the humble guise of honest industry, or decked in the honors of genius, and virtue, and philosophy, whether a Hardy or a Tooke, will find certain protection in the honesty and spirit of an English jury.

But, gentlemen, I suppose Mr. Attorney-General will scarcely wish to carry his doctrine altogether so far. Indeed, I remember, he declared himself a most zealous advocate for the liberty of the press. I may, therefore, even according to him, presume to make some observations on the conduct of the existing government. I should wish to know how far he supposes it to extend; is it to the composition of lampoons and madrigals, to be sung down the grates by ragged ballad-mongers to kitchen-maids and footmen? I will not suppose that he means to confine it to the ebullitions of Billingsgate, to those cataracts of ribaldry and scurrility, that are daily spouting upon the miseries of our wretched fellow-sufferers, and the unavailing efforts of those who have vainly labored in their cause. I will not suppose that he confines it to the poetic license of a birth-day ode; the laureat would not use such language! In which case I do not entirely agree with him, that the truth or the falsehood is as perfectly immaterial to the law, as it is to the laureate; as perfectly unrestrained by the law of the land, as it is by any law of decency or shame, of modesty or decorum.

But as to the privilege of censure or blame, I am sorry that the learned gentleman has not favored you with his notion of the liberty of the press.

Suppose an Irish Viceroy acts a very little absurdly, may the

press venture to be respectfully comical upon that absurdity? The learned counsel does not, at least in terms, give a negative to that. But let me treat you honestly, and go further, to a more material point; suppose an Irish Viceroy does an act that brings scandal upon his master, that fills the mind of a reasonable man with the fear of approaching despotism; that leaves no hope to the people of preserving themselves and their children from chains, but in common confederacy for common safety. What is that honest man in that case to do?

I am sorry the right honorable advocate for the liberty of the press has not told you his opinion, at least in any express words. I will therefore venture to give you my far humbler thoughts upon the subject.

I think an honest man ought to tell the people frankly and boldly of their peril; and I must say I can imagine no villainy greater than that of his holding a traitorous silence at such a crisis, except the villainy and baseness of prosecuting him, or of finding him guilty for such an honest discharge of his public duty. And I found myself on the known principle of the revolution of England, namely, that the Crown itself may be abdicated by certain abuses of the trust reposed; and that there are possible excesses of arbitrary power, which it is not only the right, but the bounden duty, of every honest man to resist, at the risk of his fortune and his life.

Now, gentlemen, if this reasoning be admitted, and it cannot be denied; if there be any possible event in which the people are obliged to look only to themselves, and are justified in doing so; can you be so absurd as to say, that it is lawful for the people to act upon it when it unfortunately does arrive, but that it is criminal in any man to tell them that the miserable event has actually arrived, or is imminently approaching? Far am I, gentlemen, from insinuating that (extreme as it is) our misery has been matured into any deplorable crisis of this kind, from which I pray that the Almighty God may forever preserve us! But I am putting my principles upon the strongest ground, and most favorable to my opponents, namely, that it never can be criminal to say anything of government but what is false; and I put this in the extreme, in order to demonstrate to you, *a fortiori*, that the privilege of speaking truth

to the people, which holds in the last extremity, must also obtain in every stage of inferior importance; and that, however a court may have decided, before the late act, that the truth was immaterial in case of libel, since that act, no honest jury can be governed by such principle.

Be pleased now, gentlemen, to consider the grounds upon which this publication is called a libel, and criminal.

Mr. Attorney-General tells you it tends to excite sedition and insurrection. Let me again remind you, that the truth of this charge is not denied by the noble prosecutor. What is it then that tends to excite sedition and insurrection? "The act that is charged upon the prosecutor, and is not attempted to be denied? And, gracious God! gentlemen of the jury, is the public statement of the King's representative this, "I have done a deed that must fill the mind of every feeling or thinking man with horror and indignation; that must alienate every man that knows it from the King's government, and endanger the separation of this distracted empire: the traverser has had the guilt of publishing this fact, which I myself acknowledge, and I pray you to find him guilty?" Is this the case which the Lord Lieutenant of Ireland brings forward? Is this the principle for which he ventures, at a dreadful crisis like the present, to contend in a court of justice? Is this the picture which he wishes to hold out of himself to the justice and humanity of his own countrymen? Is this the history which he wishes to be read by the poor Irishmen of the South and of the North, by the sister nation, and the common enemy?

With the profoundest respect, permit me humbly to defend his Excellency, even against his own opinion. The guilt of this publication he is pleased to think consists in this, that it tends to insurrection. Upon what can such a fear be supported? After the multitudes that have perished in this unhappy nation within the last three years, unhappiness which has been borne with a patience not paralleled in the history of nations, can any man suppose that the fate of a single individual could lead to resistance or insurrection?

But suppose that it might, what then ought to be the conduct of an honest man? Should it not be to apprise the government of the country and the Viceroy—you will drive the

people to madness, if you persevere in such bloody counsels; you will alienate the Irish nation; you will distract the common force; and you will invite the common enemy? Should not an honest man say to the people—the measure of your affliction is great, but you need not resort for remedy to any desperate expedients? If the King's minister is defective in humanity or wisdom, his royal master, your beloved sovereign, is abounding in both. At such a moment, can you be so senseless as not to feel, that any one of you ought to hold such language; or is it possible you could be so infatuated, as to punish the man who was honest enough to hold it?—or is it possible that you could bring yourselves to say to your country, that at such a season the press ought to sleep upon its post, or to act like the perfidious watchman on his round, that sees the villain wrenching the door, or the flames bursting from the windows, while the inhabitant is wrapt in sleep, and cries out that "'tis past five o'clock, the morning is fair, and all well."

On this part of the case I shall only put one question to you. I do not affect to say it is similar in all its points; I do not affect to compare the humble fortunes of Mr. Orr with the sainted names of Russell or Sidney; still less am I willing to find any likeness between the present period and the year 1688. But I will put a question to you, completely parallel in principle: When that unhappy and misguided monarch had shed the sacred blood, which their noble hearts had matured into a fit cement of revolution, if any honest Englishman had been brought to trial for daring to proclaim to the world his abhorrence of such a deed, what would you have thought of the English jury that could have said—we know in our hearts what he said was true and honest, but we will say, upon our oaths, that it was false and criminal; and we will, by that base subserviency, add another item to the catalogue of public wrongs, and another argument for the necessity of an appeal to heaven for redress?

Gentlemen, I am perfectly aware that what I may say may be easily misconstrued; but if you listen to me with the same fairness that I address you, I cannot be misunderstood. When I show you the full extent of your political rights and remedies;

when I answer those slanderers of British liberty, who degrade the monarch into a despot, who pervert the steadfastness of law into the waywardness of will; when I show you the inestimable stores of political wealth, so dearly acquired by our ancestors, and so solemnly bequeathed; and when I show you how much of that precious inheritance has yet survived all the prodigality of their posterity, I am far from saying that I stand in need of it all upon the present occasion. No, gentlemen, far am I indeed from such a sentiment. No man more deeply than myself deplores the present melancholy state of our unhappy country. Neither does any man more fervently wish for the return of peace and tranquillity, through the natural channels of mercy and of justice. I have seen too much of force and of violence to hope much good from the continuance of them on the one side or the retaliation of them on another. I have of late seen too much of political rebuilding, not to have observed, that to demolish is not the shortest way to repair. It is with pain and anguish that I should search for the miserable right of breaking ancient ties, or going in quest of new relations, or untried adventures. No, gentlemen; the case of my client rests not upon these sad privileges of despair. I trust, that as to the fact, namely, the intention of exciting insurrection, you must see it cannot be found in this publication; that it is the mere idle, unsupported imputation of malice, or panic, or falsehood. And that as to the law, so far has he been from transgressing the limits of the constitution, that whole regions lie between him and those limits, which he has not trod, and which I pray to heaven it may never be necessary for any of us to tread.

Gentlemen, Mr. Attorney-General has been pleased to open another battery upon this publication, which I do trust I shall silence, unless I flatter myself too much in supposing that hitherto my resistance has not been utterly unsuccessful.

He abuses it for the foul and insolent familiarity of its address. I do clearly understand his idea; he considers the freedom of the press to be the license of offering that paltry adulation which no man ought to stoop to utter or to hear; he supposes the freedom of the press ought to be like the freedom of a king's jester, who, instead of reproving the faults of which

majesty ought to be ashamed, is base and cunning enough, under the mask of servile and adulatory censure, to stroke down and pamper those vices of which it is foolish enough to be vain. He would not have the press presume to tell the Viceroy, that the prerogative of mercy is a trust for the benefit of the subject, and not a gaudy feather stuck into the diadem to shake in the wind, and by the waving of the gorgeous plumage to amuse the vanity of the wearer. He would not have it to say to him, that the discretion of the Crown as to mercy, is like the discretion of a court of justice as to law; and that in the one case, as well as the other, wherever the propriety of the exercise of it appears, it is equally a matter of right. He would have the press all fierceness to the people, and all sycophancy to power; he would consider the mad and frenetic outrages of authority, like the awful and inscrutable dispensations of Providence, and say to the unfeeling and despotic spoiler, in the blasphemed and insulted language of religious resignation, "the Lord hath given, and the Lord hath taken away, blessed be the name of the Lord."

But let me condense the generality of the learned gentleman's invective into questions that you can conceive. Does he mean that the air of this publication is rustic and uncourtly? Does he mean, that when "Marcus" presumed to ascend the steps of the castle, and to address the Viceroy, he did not turn on his toes as he ought to have done? But, gentlemen, you are not a jury of dancing-masters: or does the learned gentleman mean that the language is coarse and vulgar? If this be his complaint, my client has but a poor advocate.

I do not pretend to be a mighty grammarian, or a formidable critic; but I would beg leave to suggest to you, in serious humility, that a free press can be supported only by the ardor of men who feel the prompting sting of real or supposed capacity; who write from the enthusiasm of virtue, or the ambition of praise, and over whom, if you exercise the rigor of a grammatical censorship, you will inspire them with as mean an opinion of your integrity as of your wisdom, and inevitably drive them from their posts; and if you do, rely upon it, you will reduce the spirit of publication, and with it the press of this country, to what it for a long interval has been—the regis-

ter of births, and fairs, and funerals, and the general abuse of the people and their friends.

Gentlemen, in order to bring this charge of insolence and vulgarity to the test, let me ask you, whether you know of any language which could have adequately described the idea of mercy denied, where it ought to have been granted; or of any phrase vigorous enough to convey the indignation which an honest man would have felt upon such a subject?

Let me beg of you for a moment to suppose that any one of you had been the writer of this very severe expostulation with the Viceroy, and that you had been the witness of the whole progress of this never-to-be-forgotten catastrophe.

Let me suppose that you had known the charge upon which Mr. Orr was apprehended—the charge of abjuring that bigotry which had torn and disgraced his country—of pledging himself to restore the people of his country to their place in the constitution—and of binding himself never to be the betrayer of his fellow-laborers in that enterprise: that you had seen him upon that charge removed from his industry, and confined in a jail; that through the slow and lingering progress of twelve tedious months you had seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive cheered by no sound but the cries of his family, or the clinking of chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer deposing against his life; that you had seen the drunken, and worn-out, and terrified jury, give in a verdict of death; that you had seen the same jury, when their returning sobriety had brought back their conscience, prostrate themselves before the humanity of the bench, and pray that the mercy of the Crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood.

Let me suppose that you had seen the respite given, and that contrite and honest recommendation transmitted to that seat where mercy was presumed to dwell—that new and before unheard-of crimes are discovered against the informer—

that the royal mercy seems to relent, and that a new respite is sent to the prisoner—that time is taken, as the learned counsel for the Crown has expressed it, to see whether mercy could be extended or not!—that after that period of lingering deliberation passed, a third respite is transmitted—that the unhappy captive himself feels the cheering hope of being restored to a family that he had adored, to a character that he had never stained, and to a country that he had ever loved—that you had seen his wife and children upon their knees, giving those tears to gratitude, which their locked and frozen hearts could not give to anguish and despair, and imploring the blessings of Eternal Providence upon his head, who had graciously spared the father, and restored him to his children—that you had seen the olive branch sent into his little ark, but no sign that the waters had subsided.

"Alas!
Nor wife nor children more shall he behold,
Nor friends, nor sacred home!"

No seraph mercy unbars his dungeon, and leads him forth to light and life; but the minister of death hurries him to the scene of suffering and of shame, where, unmoved by the hostile array of artillery and armed men collected together, to secure, or to insult, or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath, in a prayer for the liberty of his country.

Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation? Would you have stooped to the meanness of qualified complaint?—would you have checked your feelings to search for courtly and gaudy language?—would you have been mean enough—but I entreat your forgiveness—I do not think meanly of you. Had I thought so meanly of you, I could not suffer my mind to commune with you as it has done; had I thought you that base and vile instrument, attuned by hope and by fear into discord and falsehood, from whose vulgar

string no groan of suffering could vibrate, no voice of integrity or honor could speak, let me honestly tell you, I should have scorned to fling my hand across it—I should have left it to a fitter minstrel. If I do not, therefore, grossly err in my opinion of you, I could use no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that would not disgrace those feelings, if it attempted to describe them.

Gentlemen I am not unconscious that the learned counsel for the Crown seemed to address you with a confidence of a very different kind; he seemed to expect from you a kind and respectful sympathy with the feelings of the Castle, and with the griefs of chided authority. Perhaps gentlemen, he may know you better than I do. If he does, he has spoken to you as he ought: he has been right in telling you, that if the reprobation of this writer is weak, it is because his genius could not make it stronger; he has been right in telling you, that his language has not been braided and festooned as elegantly as it might—that he has not pinched the miserable plaits of his phraseology, nor placed his patches and feathers with that correctness of millinery which became so exalted a person.

If you agree with him, gentlemen of the jury—if you think that the man who ventures, at the hazard of his own life, to rescue from the deep the drowning honor of his country, you must not presume upon the guilty familiarity of plucking it up by the locks. I have no more to say; do a courteous thing. Upright and honest jurors, find a civil and obliging verdict against the printer! And when you have done so, march through the ranks of your fellow-citizens to your own homes, and bear their looks as you pass along. Retire to the bosom of your families and your children, and when you are presiding over the morality of the parental board, tell those infants, who are to be the future men of Ireland, the history of this day. Form their young minds by your precepts, and confirm those precepts by your own example—teach them how discreetly allegiance may be perjured on the table, or loyalty be forsworn in the jury-box; and when you have done so, tell them the story of Orr—tell them of his captivity, of his children, of his crime, of his hopes, of his disappointments, of his courage, and

of his death; and when you find your little hearers hanging from your lips—when you see their eyes overflow with sympathy and sorrow—and their young hearts bursting with the pangs of anticipated orphanage—tell them that you had the boldness and the justice to stigmatize the monster who had dared to publish the transaction!

Gentlemen, I believe I told you before, that the conduct of the Viceroy was a small part, indeed, of the subject of this trial. If the vindication of his mere personal character had been, as it ought to have been, the sole object of this prosecution, I should have felt the most respectful regret at seeing a person of his high consideration come forward in a court of public justice in one and the same breath to admit the truth, and to demand the punishment of a publication like the present, to prevent the chance he might have had of such an accusation being disbelieved, and, by a prosecution like this, to give to the passing stricture of a newspaper that life and body, and action and reality, to prove it to all mankind, and make the record of it indelible. Even as it is, I do own I feel the utmost concern that his name should have been soiled, by being mixed in a question of which it is the mere pretext and scapegoat.

Mr. Attorney-General was too wise to state to you the real question, or the object which he wished to be answered by your verdict. Do you remember that he was pleased to say that this publication was a base and foul misrepresentation of the virtue and wisdom of the government, and a false and audacious statement to the world, that the King's government in Ireland was base enough to pay informers for taking away the lives of the people? When I heard this statement to-day I doubted whether you were aware of its tendency or not. It is now necessary that I should explain it to you more at large.

You cannot be ignorant of the great conflict between prerogative and privilege which hath convulsed the country for the last fifteen years; when I say privilege, you cannot suppose that I mean the privilege of the House of Commons,—I mean the privileges of the people.

You are no strangers to the various modes by which the people labored to approach their object. Delegations, conventions,

remonstrances, resolutions, petitions to the parliament, petitions to the throne.

It might not be decorous in this place to state to you, with any sharpness, the various modes of resistance that were employed on the other side; but you, all of you, seem old enough to remember the variety of acts of parliament that have been made, by which the people were deprived, session after session, of what they had supposed to be the known and established fundamentals of the constitution, the right of public debate, the right of public petition, the right of bail, the right of trial, the right of arms for self-defence; until the last, even the relics of popular privilege became superseded by a military force; the press extinguished; and the state found its last intrenchment in the grave of the constitution. As little can you be strangers to the tremendous confederations of hundreds of thousands of your countrymen, of the nature and objects of which such a variety of opinions have been propagated and entertained.

The writer of this letter presumed to censure the recall of Lord Fitzwilliam, as well as the measures of the present Viceroy. Into this subject I do not enter; but you cannot yourselves forget that the conciliatory measures of the former noble lord had produced an almost miraculous unanimity in this country; and much do I regret, and sure I am that it is not without pain you can reflect, how unfortunately the conduct of his successor has terminated. His intentions might have been the best; I neither know them nor condemn them, but their terrible effects you cannot be blind to. Every new act of coercion has been followed by some new symptom of discontent, and every new attack provoked some new paroxysm of resentment, or some new combination of resistance.

In this deplorable state of affairs—convulsed and distracted within, and menaced by a most formidable enemy from without—it was thought that public safety might be found in union and conciliation; and repeated applications were made to the parliament of this kingdom, for a calm inquiry into the complaints of the people. These applications were made in vain.

Impressed by the same motives, Mr. Fox brought the same subject before the Commons of England, and ventured to as-

cribe the perilous state of Ireland to the severity of its government. Even his stupendous abilities, excited by the liveliest sympathy with our sufferings, and animated by the most ardent zeal to restore the strength with the union of the empire, were repeatedly exerted without success. The fact of discontent was denied—the fact of coercion was denied—and the consequence was, the coercion became more implacable, and the discontent more threatening and irreconcilable.

A similar application was made in the beginning of this session in the Lords of Great Britain, by our illustrious countryman, (Lord Moira,) of whom I do not wonder that my learned friend should have observed, how much virtue can fling pedigree into the shade; or how much the transient honor of a body inherited from man, is obscured by the lustre of an intellect derived from God. He, after being an eye-witness of this country, presented the miserable picture of what he had seen; and, to the astonishment of every man in Ireland, the existence of those facts was ventured to be denied; the conduct of the Viceroy was justified and applauded; and the necessity of continuing that conduct was insisted upon, as the only means of preserving the constitution, the peace, and the prosperity of Ireland. The moment the learned counsel had talked of this publication as a false statement of the conduct of the government, and the condition of the people, no man could be at a loss to see that the awful question, which had been dismissed from the Commons of Ireland, and from the Lords and Commons of Great Britain, is now brought forward to be tried by a side wind, and, in a collateral way, by a criminal prosecution.

The learned counsel has asserted that the paper which he prosecutes is only part of a system formed to misrepresent the state of Ireland and the conduct of its government. Do you not, therefore, discover that his object is to procure a verdict to sanction the parliaments of both countries in refusing an inquiry into your grievances? Let me ask you, then, are you prepared to say, upon your oath, that those measures of coercion, which are daily practiced, are absolutely necessary, and ought to be continued? It is not upon Finnerty you are sitting in judgment; but you are sitting in judgment upon the

lives and liberties of the inhabitants of more than half of Ireland. You are to say that it is a foul proceeding to condemn the government of Ireland; that it is a foul act, founded in foul motives, and originating in falsehood and sedition; that it is an attack upon a government, under which the people are prosperous and happy; that justice is administered with mercy; that the statements made in Great Britain are false—are the effusions of party or of discontent; that all is mildness and tranquillity; that there are no burnings—no transportations; that you never travel by the light of conflagrations; that the jails are not crowded month after month, from which prisoners are taken out, not for trial, but for embarkation! These are the questions upon which, I say, you must virtually decide. It is in vain that the counsel for the Crown may tell you that I am misrepresenting the case—that I am endeavoring to raise false fears, and to take advantage of your passions—that the question is, whether this paper be a libel or not—and that the circumstances of the country have nothing to do with it. Such assertions must be vain. The statement of the counsel for the Crown has forced the introduction of those important topics; and I appeal to your own hearts whether the country is misrepresented, and whether the government is misrepresented.

I tell you, therefore, gentlemen of the jury, it is not with respect to Mr. Orr, or Mr. Finnerty, that your verdict is now sought. You are called upon, on your oaths, to say, that the government is wise and merciful—the people prosperous and happy; that military law ought to be continued; that the constitution could not with safety be restored to Ireland; and that the statements of a contrary import by your advocates, in either country, are libellous and false.

I tell you these are the questions; and I ask you, if you can have the front to give the expected answer in the face of a community who know the country as well as you do? Let me ask you, how you could reconcile with such a verdict, the jails, the tenders, the gibbets, the conflagrations, the murders, the proclamations that we hear of every day in the streets, and see every day in the country? What are the prosecutions of the learned counsel himself, circuit after circuit? Merciful

God! what is the state of Ireland, and where shall you find the wretched inhabitant of this land! You may find him, perhaps, in a jail, the only place of security—I had almost said of ordinary habitation! If you do not find him there, you may see him flying with his family from the flames of his own dwelling—lighted to his dungeon by the conflagration of his hovel; or you may find his bones bleaching on the green fields of his country; or you may find him tossing on the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that drift him to a returnless distance from his family and his home, without charge, or trial, or sentence. Is this a foul misrepresentation? Or can you, with these facts ringing in your ears, and staring in your face, say, upon your oaths, they do not exist? You are called upon, in defiance of shame, of truth, of honor, to deny the sufferings under which you groan, and to flatter the persecutor that tramples you under foot.

Gentlemen, I am not accustomed to speak of circumstances of this kind; and though familiarized as I have been to them, when I come to speak of them, my power fails me—my voice dies within me. I am not able to call upon you. It is now I ought to have strength—it is now I ought to have energy and voice. But I have none; I am like the unfortunate state of the country—perhaps, like you. This is the time in which I ought to speak, if I can, or be dumb forever; in which, if you do not speak as you ought, you ought to be dumb forever.

But the learned gentleman is further pleased to say, that the traverser has charged the government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls, and upon the solemnity of your oaths. You are upon your oaths to say to the sister country, that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, what do you feel, when in my hearing, when in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you know, by the testimony of your own eyes, to be utterly and absolutely false? I speak not now of the public proclamation for informers, with a promise of secrecy, and of extravagant reward;

I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen, day after day, during the course of this commission, from the box where you are now sitting; the number of horrid miscreants, who acknowledged, upon their oaths, that they had come from the seat of government—from the very chambers of the Castle—where they had been worked upon, by the fear of death and the hope of compensation, to give evidence against their fellows; that the mild, the wholesome, and merciful councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness!

Is this a picture created by a hag-ridden fancy, or is it fact? Have you not seen him, after his resurrection from that region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both; Have you not marked when he entered, how the stormy wave of the multitude retired at his approach? Have you not seen how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? how his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death—a death which no innocence can escape, no art elude, no force resist, no antidote prevent. There was an antidote—a juror's oath!—but even that adamantine chain, that bound the integrity of man to the throne of eternal justice, is solved and molten in the breath that issues from the informer's mouth; conscience swings from her moorings, and the appalled and affrighted juror consults his own safety in the surrender of the victim:

> "Et quæ sibi quisque timebat,
> Unius in miseri exitium conversa tulere."

Informers are worshipped in the temple of justice, even as the devil has been worshipped by Pagans and savages—even so in this wicked country, is the informer an object of judicial idolatry—even so is he soothed by the music of human groans—

even so is he placated and incensed by the fumes and by the blood of human sacrifices.

Gentlemen, I feel I must have tired your patience; but I have been forced into this length by the prosecutor, who has thought fit to introduce those extraordinary topics, and to bring a question of mere politics to trial, under the form of a criminal prosecution. I cannot say I am surprised that this has been done, or that you should be solicited by the same inducements, and from the same motives, as if your verdict was a vote of approbation. I do not wonder that the government of Ireland should stand appalled at the state to which we are reduced. I wonder not that they should start at the public voice, and labor to stifle or contradict it. I wonder not that at this arduous crisis, when the very existence of the empire is at stake, and when its strongest and most precious limb is not girt with the sword for battle, but pressed by the tourniquet for amputation; when they find the coldness of death already begun in those extremities where it never ends; that they are terrified at what they have done, and wish to say to the surviving parts of that empire, "they cannot say that we did it." I wonder not that they should consider their conduct as no immaterial question for a court of criminal jurisdiction, and wish anxiously, as on an inquest of blood, for the kind acquittal of a friendly jury.

I wonder not that they should wish to close the chasm they have opened, by flinging you into the abyss. But trust me, my countrymen, you might perish in it, but you could not close it; trust me, if it is yet possible to close it, it can be done only by truth and honor; trust me, that such an effect could no more be wrought by the sacrifice of a jury, than by the sacrifice of Orr.

As a state measure, the one would be as unwise and unavailing as the other; but while you are yet upon the brink, while you are yet visible, let me, before we part, remind you once more of your awful situation.

You are upon a great forward ground, with the people at your back, and the government in your front. You have neither the disadvantages nor the excuses of jurors a century ago. No, thank God! never was there a stronger characteristic

distinction between those times, upon which no man can reflect without horror, and the present. You have seen this trial conducted with mildness and patience by the court. We have now no Jefferies, with scurvy and vulgar conceits, to browbeat the prisoner and perplex his counsel. Such has been the improvement of manners, and so calm the confidence of integrity, that during the defence of accused persons, the judges sit quietly, and show themselves worthy of their situation, by bearing, with a mild and merciful patience, the little extravagances of the bar, as you should bear with the little extravagances of the press. Let me then turn your eyes to that pattern of mildness in the bench. The press is your advocate; bear with its excess—bear with everything but its bad intention. If it come as a villainous slanderer, treat it as such; but if it endeavor to raise the honor and glory of your country, remember that you reduce its power to a nonentity, if you stop its animadversions upon public measures. You should not check the efforts of genius, nor damp the ardor of patriotism. In vain will you desire the bird to soar, if you meanly or madly steal from it its plumage. Beware lest, under the pretence of bearing down the licentiousness of the press, you extinguish it altogether. Beware how you rival the venal ferocity of those miscreants, who rob a printer of the means of bread, and claim from deluded royalty the reward of integrity and allegiance. Let me, therefore, remind you, that though the day may soon come when our ashes shall be scattered before the winds of heaven, the memory of what you do cannot die; it will carry down to your posterity your honor or your shame. In the presence and in the name of that ever living God, I do therefore conjure you to reflect, that you have your characters, your consciences, that you have also the character, perhaps the ultimate destiny of your country, in your hands. In that awful name, I do conjure you to have mercy upon your country and yourselves, and so judge now, as you will hereafter be judged; and I do now submit the fate of my client, and of that country which we have yet in common, to your disposal.

TRIAL OF PATRICK FINNEY, FOR HIGH TREASON.

JANUARY 16, 1798.

[ON the 31st of May, 1797, Patrick Finney was arrested at Tuite's public house, in Thomas Street. He was indicted for High Treason, at the Commission held in Dublin, in July, 1797, and on Tuesday, the 16th of January, 1798, was brought to trial. The chief witness for the prosecution was Jenny O'Brien, a hired informer.]

My lords, and gentlemen of the jury. In the early part of this trial, I thought I should have had to address you on the most important occasion possible, on this side of the grave, a man laboring for life, on the casual strength of an exhausted, and, at best, a feeble advocate. But, gentlemen, do not imagine that I rise under any such impressions; do not imagine that I approach you sinking under the hopeless difficulties of my cause. I am not now soliciting your indulgence to the inadequacy of my powers, or artfully enlisting your passions at the side of my client. No, gentlemen; but I rise with what of law, of conscience, of justice, and of constitution, there exists within this realm, at my back, and, standing in front of that great and powerful alliance, I demand a verdict of acquital for my client! What is the opposition of evidence? It is a tissue which requires no strength to break through; it vanishes at the touch, and is sundered into tatters.

The right honorable gentleman who stated the case in the first stage of this trial, has been so kind as to express a reliance, that the counsel for the prisoner would address the jury with the same candor which he exemplified on the part of the Crown; readily and confidently do I accept the compliment, the more particularly, as in my cause I feel no temptation to reject it. (Life can present no situation wherein the humble powers of man are so awfully and so divinely excited, as in defence of a fellow-creature placed in the circumstances of my client; and if any labors can peculiarly attract the gracious

and approving eye of heaven, it is when God looks down on a human being assailed by human turpitude, and struggling with practices against which the Deity has placed his special canon, when he said "Thou shalt not bear false witness against thy neighbor; thou shalt do no murder."

Gentlemen, let me desire you again and again to consider all the circumstances of this man's case, abstracted from the influence of prejudice and habit; and if aught of passion assumes dominion over you, let it be of that honest, generous nature that good men must feel when they see an innocent man depending on their verdict for his life; to this passion I feel myself insensibly yielding; but unclouded, though not unwarmed, I shall, I trust, proceed in my great duty.

Wishing to state my client's case with all possible succinctness which the nature of the charge admits, I am glad my learned colleague has acquitted himself on this head already to such an extent, and with such ability, that anything I can say will chance to be superfluous; in truth, that honesty of heart, and integrity of principle, for which all must give him credit, uniting with a sound judgment and sympathetic heart, have given to his statement all the advantages it could have derived from these qualities.

He has truly said that "the declaratory act, the 25th of Edward III., is that on which all charges of high treason are founded;" and I trust the observation will be deeply engraven on your hearts. It is an act made to save the subject from the vague and wandering uncertainty of the law. It is an act which leaves it no longer doubtful whether a man shall incur conviction by his own conduct, or the sagacity of Crown construction: whether he shall sink beneath his own guilt, or the cruel and barbarous refinement of Crown prosecution. It has been most aptly called the blessed act; and oh! may the great God of justice and of mercy give repose and eternal blessing to the souls of those honest men by whom it was enacted! By this law, no man shall be convicted of high treason, but on provable evidence; the overt acts of treason, as explained in this law, shall be stated clearly and distinctly in the charge; and the proof of these acts shall be equally clear

and distinct, in order that no man's life may depend on a partial or wicked allegation. It does everything for the prisoner which he could do himself; it does everything but utter the verdict, which alone remains with you, and which, I trust, you will give in the same pure, honest, saving spirit, in which that act was formed. Gentlemen, I would call it an omnipotent act, if it could possibly appall the informer from our courts of justice; but law cannot do it, religion cannot do it; the feelings of human nature frozen in the depraved heart of the wretched informer, cannot be thawed!

Law cannot prevent the envenomed arrow from being pointed at the intended victim; but it has given him a shield in the integrity of a jury! Everything is so clear in this act, that all must understand; the several acts of treason must be recited, and provable conviction must follow. What is provable conviction? Are you at a loss to know? Do you think if a man comes on the table, and says, "By virtue of my oath, I know of a conspiracy against the state, and such and such persons are engaged in it," do you think that his mere allegation shall justify you in a verdict of conviction? A witness coming on this table, of whatsoever description, whether the noble lord who has been examined, or the honorable judges on the bench, or Mr. James O'Brien, who shall declare upon oath that a man bought powder, ball, and arms, intending to kill another, this is not provable conviction; the unlawful intention must be shown by cogency of evidence, and the credit of the witness must stand strong and unimpeached. The law means not that infamous assertion or dirty ribaldry is to overthrow the character of a man; even in these imputations, flung against the victim, there is fortunately something detergent, that cleanses the character it was destined to befoul.

In stating the law, gentlemen, I have told you that the overt act must be laid and proved by positive testimony of untainted witnesses; and in so saying, I have only spoken the language of the most illustrious writers on the law of England.

I should, perhaps, apologize to you for detaining your attention so long on these particular points, but that in the present disturbed state of the public mind, and in the abandonment of principle, which it but too frequently produces, I think

I cannot too strongly impress you with the purity of legal distinction, so that your souls shall not be harrowed with those torturing regrets, which the return of reason would bring along with it, were you, on the present occasion, for a moment to resign it to the subjection of your passions; for these, though sometimes amiable in their impetuosity, can never be dignified and just, but under the control of reason.

The charge against the prisoner is two-fold: compassing and imagining the King's death, and adhering to the King's enemies. To be accurate on this head is not less my intention than it is my interest; for if I fall into errors, they will not escape the learned counsel who is to come after me, and whose defections will not fail to be made in the correct spirit of Crown prosecution.

Gentlemen, there are no fewer than thirteen overt acts, as described, necessary to support the indictment; these, however, it is not necessary to recapitulate. The learned counsel for the Crown has been perfectly candid and correct in saying that if any of them support either species of treason charged in the indictment, it will be sufficient to attach the guilt. I do not complain that on the part of the Crown it was not found expedient to point out which act or acts went to support the indictment; neither will I complain, gentlemen, if you fix your attention particularly on the circumstances.

Mr. Attorney-General has been pleased to make an observation, which drew a remark from my colleague, with which I fully agree, that the atrocity of a charge should make no impression on you. It was the judgment of candor and liberality, and should be yours; nor though you should more than answer the high opinion I entertain of you, and though your hearts betray not the consoling confidence which your looks inspire, yet do not disdain to increase your stock of candor and liberality, from whatsoever source it flows; though the abundance of my client's innocence may render him independent of its exertions, your country wants it all. You are not to suffer impressions of loyalty, or an enthusiastic love for the sacred person of the King, to give your judgments the smallest bias. You are to decide from the evidence which you have heard; and if the atrocity of the charge were to have

any influence with you, it should be that of rendering you more incredulous to the possibility of its truth.

I confess I cannot conceive a greater crime against civilized society, be the form of government what it may, whether monarchical, republican, or, I had almost said, despotic, than attempting to destroy the life of the person holding the executive authority; the counsel for the Crown cannot feel a greater abhorrence against it than I do; and happy am I, at this moment, that I can do justice to my principles, and the feelings of my heart, without endangering the defence of my client; and that defence is, that your hearts would not feel more reluctant to the perpetration of the crimes with which he is charged, than the man who there stands at the bar of his country, waiting until you shall clear him from the foul and unmerited imputation, until your verdict, sounding life and honor to his senses, shall rescue him from the dreadful fascination of the informer's eye.

The overt acts in the charge against the prisoner are many, and all apparently of the same nature, but they, notwithstanding, admit of a very material distinction. This want of candor I attribute to the base imposition of the prosecutor on those who brought him forward.

You find at the bottom of the charge a foundation-stone attempted to be laid by O'Brien,—the deliberations of a society of United Irishmen, and on this are laid all the overt acts. I said the distinction was of moment, because it is endeavored to be held forth to the public, to all Europe, that, at a time like this, of peril and of danger, there are, in one province alone, one hundred and eleven thousand of your countrymen combined for the purpose of destroying the King, and the tranquillity of the country, which so much depends on him, an assertion which you should consider of again and again, before you give it any other existence than it derives from the attainting breath of the informer. If nothing should induce that consideration but the name of Irishman, the honors of which you share, a name so foully, and, as I shall demonstrate, so falsely aspersed, if you can say that one fact of O'Brien's testimony deserves belief, all that can from thence be inferred is, that a great combination of mind and will exists on some

public subject. What says the written evidence on that subject?

What are the obligations imposed by the test-oath of the society of United Irishmen? Is it unjust to get rid of religious differences and distinctions? Would to God it were possible. Is it an offence against the state, to promote a full, free, and adequate representation of all the people of Ireland in parliament? If it be, the text is full of its own comment, it needs no comment of mine. As to the last clause, obliging to secrecy: Now, gentlemen of the jury, in the hearing of the court, I submit to the opposite counsel this question. I will make my adversary my arbiter. Taking the test-oath, as thus written, is there anything of treason in it? However objectionable it may be, it certainly is not treasonable.

I admit there may be a colorable combination of words to conceal a really bad design; but to what evils would it not expose society, if, in this case, to suppose were to decide. A high legal authority thus speaks on this subject: "Strong, indeed, must the evidence be which goes to prove that any man can mean, by words, anything more than what is conveyed in their ordinary acceptation." If the test of any particular community were an open one—if, like the London Corresponding Society, it was to be openly published, then, indeed, there might be a reason for not using words in their common application; but, subject to no public discussion, at least not intended to be so, why should the proceedings of those men, or the obligation by which they are connected, be expressed in the phraseology of studied concealment? If men meet in secret, to talk over how best the French can invade this country, to what purpose is it that they take an engagement different in meaning? Common sense rejects the idea!

Gentlemen, having stated these distinctions, I am led to the remaining divisions of the subject you are to consider. I admit, that because a man merely takes this obligation of union, it cannot prevent his becoming a traitor if he pleases; but the question for you to decide on would then be, whether every man who takes it must necessarily be a traitor?

Independent of that engagement, have any superadded facts been proved against the prisoner? What is the evidence of

O'Brien? What has he stated? Here, gentlemen, let me claim the benefits of that great privilege, which distinguishes trial by jury in this country from all the world. Twelve men, not emerging from the must and cobwebs of a study, abstracted from human nature, or only acquainted with its extravagances; but twelve men, conversant with life, and practiced in those feelings which mark the common and necessary intercourse between man and man, such are you, gentlemen.

How then does Mr. O'Brien's tale hang together? Look to its commencement. He walks along Thomas Street, in the open day, (a street not the least populous in this city,) and is accosted by a man who, without any preface, tells him he'll be murdered before he goes half the street, unless he becomes a United Irishman! Do you think this is a probable story? Suppose any of you, gentlemen, be a United Irishman, or a Freemason, or a Friendly Brother, and that you meet me walking innocently along, just like Mr. O'Brien, and meaning no harm, would you say, "Stop, Mr. Curran, don't go further, you'll be murdered before you go half the street, if you do not become a United Irishman, a Freemason, or a Friendly Brother?" Did you ever hear so coaxing an invitation to felony as this? "Sweet Mr. James O'Brien! come in and save your precious life—come in and take an oath, or you'll be murdered before you go half the street! Do, sweetest, dearest Mr. James O'Brien, come in, and do not risk your valuable existence." What a loss had he been to his King, whom he loves so marvellously! Well, what does poor Mr. O'Brien do? Poor, dear man, he stands petrified with the magnitude of his danger,—all his members refuse their office,—he can neither run from the danger, nor call out for assistance; his tongue cleaves to his mouth, and his feet incorporate with the paving-stones; it is in vain that his expressive eye silently implores protection of the passenger; he yields at length, as men have done, and resignedly submits to his fate. He then enters the house, and being led into a room, a parcel of men make faces at him; but mark the metamorphosis: well may it be said, that "miracles will never cease;" he who feared to resist in open air, and in the face of the public, becomes a

bravo when pent up in a room, and environed by sixteen men, and one is obliged to bar the door, while another swears him, which after some resistance is accordingly done, and poor Mr. O'Brien becomes a United Irishman, for no earthly purpose whatever, but merely to save his sweet life.

But this is not all,—the pill so bitter to the percipiency of his loyal palate, must be washed down; and, lest he should throw it off his stomach, he is filled up to the neck with beef and whiskey. What further did they do?

Mr. O'Brien, thus persecuted, abused, and terrified, would have gone and lodged his sorrows in the sympathetic bosom of the major; but to prevent him even this little solace, they made him drunk. The next evening they used him in the like barbarous manner; so that he was not only sworn against his will, but,—poor man,—he was made drunk against his inclination. Thus was he besieged with united beefsteaks and whiskey; and against such potent assailants not even Mr. O'Brien could prevail.

Whether all this whiskey that he had been forced to drink has produced the effect or not, Mr. O'Brien's loyalty is better than his memory. In the spirit of loyalty he became prophetic, and told Lord Portarlington the circumstances relative to the intended attack on the ordnance stores full three weeks before he had obtained the information through moral agency. Oh! honest James O'Brien! Let others vainly argue on logical truth and ethical falsehood; but if I can once fasten him to the ring of perjury, I will bait him at it, until his testimony shall fail of producing a verdict, although human nature were as vile and monstrous in you as she is in him! He has made a mistake! but surely no man's life is safe if such evidence were admissible: what argument can be founded on his testimony, when he swears he has perjured himself, and that anything he says must be false? I must not believe him at all, and by a paradoxical conclusion, suppose, against "the damnation" of his own testimony, that he is an honest man!

Strongly as I feel my interest keep pace with that of my client, I would not defend him at the expense of truth; I seek not to make the witness worse than he is: whatever he may be, God Almighty convert his mind! May his reprobation,—

but I beg his pardon,—let your verdict stamp that currency on his credit; it will have more force than any casual remarks of mine. How this contradiction to Mr. O'Brien's evidence occurred, I am at no loss to understand. He started from the beginning with an intention of informing against some person, no matter against whom; and whether he ever saw the prisoner at the time he gave the information to Lord Portarlington, is a question; but none, that he fabricated the story for the purpose of imposing on the honest zeal of the law officers of the Crown.

Having now glanced at a part of this man's evidence, I do not mean to part with him entirely; I shall have occasion to visit him again; but before I do, let me, gentlemen, once more impress upon your minds the observation which my colleague applied to the laws of high treason, that if they are not explained on the statute-book, they are explained on the hearts of all honest men; and, as St. Paul says, "though they know not the law, they obey the statutes thereof." The essence of the charge submitted to your consideration tends to the dissolution of the connexion between Ireland and Great Britain.

I own it is with much warmth and self-gratulation that I feel this calumny answered by the attachment of every good man to the British constitution. I feel,—I embrace its principles; and when I look on you, the proudest benefit of that constitution, I am relieved from the fears of advocacy, since I place my client under the influence of its sacred shade. This is not the idle sycophancy of words. It is not crying "Lord! Lord!" but doing "the will of my Father who is in heaven." If my client were to be tried by a jury of Ludgate Hill shopkeepers, he would, ere now, be in his lodging. The law of England would not suffer a man to be cruelly butchered in a court of justice. The law of England recognizes the possibility of villains thirsting for the blood of their fellow-creatures; and the people of Ireland have no cause to be incredulous of the fact.

In that country, St. Paul's is not more public than the charge made against the poorest creature that crawls upon the soil of England. There must be two witnesses to convict the prisoner

of high treason. The prisoner must have a copy of the jurors' names, by whom he may eventually be tried; he must have a list of the witnesses that are to be produced against him, that they may not, vampire-like, come crawling out of the grave to drink his blood; but that, by having a list of their names and places of abode, he may inquire into their characters and modes of life, that, if they are infamous, he may be enabled to defend himself against the attacks of their perjury, and their subornation. There must, I say, be two witnesses, that the jury may be satisfied, if they believe the evidence, that the prisoner is guilty; and if there be but one witness, the jury shall not be troubled with the idle folly of listening to the prisoner's defence. If there be but one witness, there is the less possibility of contradicting him; he the less fears any detection of his murderous tale, having only infernal communication between him and the author of all evil; and when on the table, which he makes the altar of his sacrifice, however common men may be affected at sight of the innocent victim, it cannot be supposed that the prompter of his perjury will instigate him to retribution: this is the law in England, and God forbid that Irishmen should so differ, in the estimation of the law, from Englishmen, that their blood is not equally worth preserving. I do not, gentlemen, apply any part of this observation to you; you are Irishmen yourselves, and I know you will act proudly and honestly. The law of England renders two witnesses necessary, and one witness insufficient, to take away the life of a man on a charge of high treason. This is founded on the principle of common sense, and common justice; for, unless the subject were guarded by this wise prevention, every wretch who could so pervert the powers of invention, as to trump up a tale of treason and conspiracy, would have it in his power to defraud the Crown into the most abominable and afflicting acts of cruelty and oppression.

Gentlemen of the jury, though from the evidence which has been adduced against the prisoner, they have lost their value, yet had they been necessary, I must tell you, that my client came forward under a disadvantage of great magnitude, the absence of two witnesses very material to his defence; I am

not now at liberty to say, what I am instructed would have been proved by May, and Mr. Roberts.

But, you will ask, why is it not Mr. Roberts here? Recollect the admission of O'Brien, that he threatened to settle him, and you will cease to wonder at his absence, when, if he came, the dagger was in preparation to be plunged into his heart. I said Mr. Roberts was absent; I correct myself; no! in effect he is here: I appeal to the heart of that obdurate man, (O'Brien,) what would have been his (Roberts') testimony, if he had dared to venture a personal evidence on this trial? Gracious God! is a tyranny of this kind to be borne with, where law is said to exist? Shall the horrors which surround the informer, the ferocity of his countenance, and the terrors of his voice, cast such a wide and appalling influence, that none dare approach and save the victim, which he marks for ignominy and death!

Now, gentlemen, be pleased to look to the rest of O'Brien's testimony: he tells you there are one hundred and eleven thousand men in one province, added to ten thousand of the inhabitants of the metropolis, ready to assist the object of an invasion! Gentlemen, are you prepared to say that the kingdom of Ireland has been so forsaken by all principles of humanity and of loyalty, that there are now no less than 111,000 men sworn by the most solemn of all engagements, and connected in a deadly combination to destroy the constitution of the country, and to invite the common enemy, the French, to invade it—are you prepared to say this by your verdict? When you know not the intentions or the means of that watchful and insatiable enemy, do you think it would be wise, by your verdict of guilty, to say, on the single testimony of a common informer, that you do believe upon your oaths that there is a body consisting of no less a number than 111,000 men ready to assist the French, if they should make an attempt upon this country, and ready to fly to their standard whenever they think proper to invade it? This is another point of view in which to examine this case. You know the distress and convulsion of the public mind for a considerable length of time; cautiously will I abstain from making observations that could refresh the public memory, situated as I am, in a court of justice. But, gen-

tlemen, this is the first, the only trial for high treason, in which an informer gives his notions of the propriety or impropriety of public measures; I remember none—except the trial of that unfortunate wanderer, that unhappy fugitive, for so I may call him, Jackson, a native of this country; guilty he was, but neither his guilt nor innocence had any affinity with any other system. But this is the first trial that has been brought forward for high treason, except that, where such matters have been disclosed; and, gentlemen, are you prepared to think well of the burden of embarking your character, high and respectable, on the evidence of an abandoned, and I will show you, a perjured and common informer, in declaring you are ready to offer up to death 111,000 men, one by one, by the sentence of a court of justice? Are you ready to meet it? Do not suppose I am base or mean enough to say anything to intimidate you, when I talk to you of such an event; but if you were prepared for such a scene, what would be your private reflections were you to do any such thing? Therefore I put the question fairly to you—have you made up your minds to tell the public, that as soon as James O'Brien shall choose to come forward again, to make the same charge against 111,000 other men, you are ready to see so many men, so many of your fellow-subjects and fellow-citizens, drop one by one into the grave, dug for them by his testimony?

Do not think I am speaking disrespectfully of you when I say, that while an O'Brien may be found, it may be the lot of the proudest among you to be in the dock instead of the jury-box. If you were standing there, how would you feel if you found that the evidence of such a wretch would be admitted as sufficient to attaint your life, and send you to an ignominious death? Remember, I do beseech you, that great mandate of your religion—"Do thou unto all men as you would they should do unto you."

Give me leave to put another point to you—what is the reason that you deliberate—that you condescend to listen to me with such attention? Why are you so anxious, if, even from me, anything should fall tending to enlighten you on the present awful occasion? it is because, bound by the sacred obligations of an oath, your heart will not allow you to forfeit it.

Have you any doubt that it is the object of O'Brien to take down the prisoner for the reward that follows? Have you not seen with what more than instinctive keenness this blood-hound has pursued his victim? how he has kept him in view from place to place, until he hunts him through the avenues of the court to where the unhappy man stands now, hopeless of all succor but that which your verdict shall afford? I have heard of assassination by sword, by pistol, and by dagger; but here is a wretch who would dip the Evangelists in blood; if he thinks he has not sworn his victim to death, he is ready to swear, without mercy and without end; but oh! do not, I conjure you, suffer him to take an oath; the hand of the murderer should not pollute the purity of the Gospel; if he will swear, let it be on the *knife*, the proper symbol of his profession!

Gentlemen, I am again reminded of that tissue of abominable slander and calumny with which O'Brien has endeavored to load so great a portion of the adult part of your country. Is it possible you can believe the report of that wretch, that no less than 111,000 men are ready to destroy and overturn the government? I do not believe the abominable slander. I may have been too quick in condemning this man; and I know the argument which will be used, and to a certain degree, it is not without sense—that you cannot always expect witnesses of the most unblemished character, and such things would never be brought to light if witnesses like O'Brien were rejected altogether. The argument is of some force; but does it hold here? or are you to believe it as a truth, because the fact is sworn to by an abominable and perjured witness? No; the law of England, the so-often-mentioned principle upon which that important statute is framed, denies the admission. An English judge would be bound to tell you, and the learned judges present will tell you, that a single accomplice is not to be believed without strong corroborative confirmation—I do not know where a contrary principle was entertained: if such has been the case, I never heard of it. O'Brien stated himself to have been involved in the guilt of the prisoner, in taking the obligation which was forced on him, and which he was afterwards obliged to wash down; but may not the whole descrip-

tion given by him be false? May he not have fabricated that story, and come forward as an informer in a transaction that never happened, from the expectation of pay and profit? How does he stand? He stands divested of a single witness to support his character or the truth of his assertions, when numbers were necessary for each. You would be most helpless and unfortunate men, if everything said by the witness laid you under a necessity of believing it. Therefore he must be supported either by collateral or confirmatory evidence. Has he been supported by any collateral evidence, confirming what was sworn this day? No. Two witnesses have been examined; they are not additional witnesses to the overt acts, but if either of them should carry any conviction to your minds, you must be satisfied that the evidence given by O'Brien is false. I will not pollute the respectable and honorable character of Lord Portarlington, by mentioning it with the false and perjured O'Brien. Does his lordship tell you a single word but what O'Brien said to him? Because, if his lordship told all here that O'Brien told him, O'Brien has done the same too; and though he has told Lord Portarlington every word which he has sworn on the table, yet still the evidence given by his lordship cannot be corroborative, because the probability is that he told a falsehood; you must take that evidence by comparison. And what did he tell Lord Portarlington? or, rather, what has Lord Portarlington told you? That O'Brien did state to him the project of robbing the ordnance some time before he could possibly have known it himself. And it is material that he swore on the table, that he did not know of the plot till his third meeting with the societies; and Lord Portarlington swears that he told it to him on the first interview with him; there the contradiction of O'Brien by Lord Portarlington is material; and the testimony of Lord Portarlington may be put out of the case, except so far as it contradicts that of O'Brien.

Mr. Justice Chamberlain.—It is material, Mr. Curran, that Lord Portarlington did not swear positively it was at the first interview, but that he was inclined to believe it was so.

Mr. Curran.—Your lordship will recollect that he said O'Brien did not say anything of consequence at any of the

other interviews; but I put his lordship out of the question, so far as he does not contradict O'Brien, and he does so. If I am stating anything through mistake, I would wish to be set right; but Lord Portarlington said he did not recollect anything of importance at any subsequent meeting; and as far as he goes, he does, beyond contradiction, establish the false swearing of O'Brien. I am strictly right in stating the contradiction; so far as it can be compared with the testimony of O'Brien, it does weaken it; and, therefore, I will leave it there, and put Lord Portarlington out of the question—that is, as if he had not been examined at all, but where he differs from the evidence given by O'Brien.

As to the witness Clarke, after all he has sworn, you cannot but be satisfied he has not said a single word materially against the prisoner; he has not given any confirmatory evidence in support of any one overt act laid in the indictment. You have them upon your minds—he has not said one word as to the various meetings—levying money, or sending persons to France; and, therefore, I do warn you against giving it that attention for which it has been introduced. He does not make a second witness. Gentlemen, in alluding to the evidence of Lord Portarlington, which I have already mentioned, I was bound to make some observations. On the evidence of Clarke I am also obliged to do the same, because he has endeavored to prejudice your minds, by an endeavor to give a sliding evidence of what does not by any means come within this case; that is, a malignant endeavor to impute a horrid transaction—the murder of a man of the name of Thompson—to the prisoner at the bar; but I do conjure you to consider what motives there can be for insinuations of this sort, and why such a transaction, so remote from the case before you, should be endeavored to be impressed on your minds.

Gentlemen, I am not blinking the question; I come boldly up to it; and I ask you, in the presence of the court and of your God, is there one word of evidence that bears the shadow of such a charge, as the murder of that unfortunate man, to the prisoner at the bar? Is there one word to show how he died—whether by force, or by any other means? Is there a

word how he came to his end? Is there a word to bring a shadow of suspicion that can be attached to the prisoner? Gentlemen, my client has been deprived of the benefit of a witness, May, (you have heard of it,) who, had the trial been postponed, might have been able to attend; we have not been able to examine him, but you may guess what he would have said—he would have discredited the informer O'Brien.

The evidence of O'Brien ought to be supported by collateral circumstances. It is not; and though Roberts is not here, yet you may conjecture what he would have said. But, gentlemen, I have examined five witnesses, and it does seem as if there had been some providential interference carried on in bringing five witnesses to contradict O'Brien in his testimony, as to direct matters of fact, if his testimony could be put in competition with direct positive evidence. O'Brien said, he knew nothing of ordering back any money to Margaret Moore; he denied that fact. The woman was examined—what did she say on the table in the presence of O'Brien? That "an order was made, and the money refunded, after the magistrate had abused him for his conduct." What would you think of your servant, if you found him committing such perjury—would you believe him? What do you think of this fact? O'Brien denies he knew anything of the money being refunded! What does Mrs. Moore say? That after the magistrate had abused him for his conduct, the money was refunded, and that "she and O'Brien walked down stairs together!". Is this an accidental trip, a little stumble of conscience, or, is it not downright, willful perjury? What said Mr. Clarke? I laid the foundation of the evidence by asking O'Brien, did you ever pass for a revenue officer? I call, gentlemen, on your knowledge of the human character, and of human life, what was the conduct of the man? Was it what you would have acted, if you had been called on in a court of justice? Did he answer me candidly? Do you remember his manner? "Not, sir, that I remember; it could not be when I was sober." "Did you do it at all?" What was the answer—"I might, sir, have done it; but I must have been drunk. I never did anything dishonest." Why did he answer thus? Because he did imagine he would have been opposed in his testimony, he not

only added perjury to his prevarication, but he added robbery to both.

There are thousands of your fellow subjects waiting to know, if the fact charged upon the nation of one hundred and eleven thousand men ready to assist the common enemy be true; if upon the evidence of an abandoned wretch, a common cheat, a robber, and a perjurer, you will convict the prisoner at the bar. As to his being a coiner, I will not pass that felony in payment among his other crimes, but I will offer it by itself; I will offer it as an emblem of his conscience, copper-washed —I will offer it by itself.

What has O'Brien said? "I never remember that I did pretend to be a revenue officer; but I remember there was a man said something about whiskey; and I remember I threatened to complain, and he was a little frightened—and he gave me three and three-pence!" I asked him, "Did his wife give you anything?" "There was three and three-pence between them." "Who gave you the money?" "It was all I got from both of them!" Gentlemen, would you let him into your house as a servant? Suppose one of you wanted a servant, and went to the other to get one; and suppose that you heard that he personated a revenue officer; that he had threatened to become an informer against persons not having licenses, in order to extort money to compromise the actions, would you take him as a servant? If you would not take him as a servant in exchange for his wages, would you take his perjuries in exchange for the life of a fellow-subject? Let me ask you, how would you show your faces to the public, and justify a barter of that kind, if you were to establish and send abroad his assignats of perjury to pass current as the price of human blood? How could you bear the tyranny your consciences would exercise over you; the dagger that would turn upon your heart's blood, if in the moment of madness you could suffer by your verdict the sword of justice to fall on the head of a victim committed to your sworn humanity, to be massacred in your presence by the perjured and abominable evidence that has been offered! But does it stop there? Has perjury rested there?—No. What said the honest-looking, unlettered mind of the poor farmer? What said Cavanagh?

"I keep a public-house. O'Brien came to me, and pretended he was a revenue officer;—I knew not but it might be so;—he told me he was so—he examined the little beer I had, and my cask of porter." And, gentlemen, what did the villain do? While he was dipping his abandoned tongue in perjury and in blood, he robbed the wretched man of two guineas. Where is he now? Do you wonder he is afraid of my eye? that he has buried himself in the crowd? that he has shrunk into the whole of the multitude, when the witness endeavored to disentangle him and his evidence? Do you not feel that he was appalled with horror by that more piercing and penetrating eye that looks upon him, and upon me, and upon us all? The chords of his heart bore testimony by its flight, and proved that he fled for the same. But does it rest there? No. Witness upon witness appeared for the prisoner, to whom, I dare say, you will give that credit you must deny to O'Brien. In the presence of God they swore, that they "would not believe him upon his oath, in the smallest matter." Do you know him, gentlemen of the jury? Are you acquainted with James O'Brien? If you do, let him come forward from that crowd where he has hid himself, and claim you by a look. Have you been fellow-companions? If you have, I dare say you will recognize him. Have I done with him yet? No; while there is a thread of his villainy together, I will tatter it, lest you should be caught with it. Did he dare to say to the solicitor for the Crown, to the counsel that are prosecuting the prisoner, that "there is some one witness on the surface of the globe that will say, he believes I am not a villain; but I am a man that deserves some credit on my oath in a court of justice?" Did he venture to call one human being to that fact? But why did they not venture to examine the prisoner's witnesses as to the reasons of their disbelief? What, if I was bold enough to say to any of you, gentlemen, that I did not think you deserved credit on your oath, would not the first question you would ask be the reason for that opinion? Did he venture to ask that question? No. I think the trial has been fairly and humanely carried on. Mrs. Moore was examined; she underwent cross-examination—the object was to impeach her credit. I offered to examine to her character; no—I

would not be suffered to do it; they were right in the point of law. Gentlemen, let me ask you another question:—Is the character of O'Brien such, that you think he did not know that any human creature was to attack it? Did you not see him coiling himself in the scaly circles of his perjury, making anticipated battle against the attack, that he knew would be made, and spitting his venom against the man that might have given such evidence of his infamous character, if he had dared to appear.

Gentlemen, do you feel now that I was maliciously aspersing the character of O'Brien? What language is strong enough to describe the mixture of swindling and imposition which, in the face of justice, this wretch has been guilty of? Taking on himself the situation of one of the King's officers, to rob the King's subjects of the King's money; but that is not enough for him—in the vileness and turpitude of his character he afterwards wants to rob them of their lives by perjury. Do I speak truly to you, gentlemen, when I have shown you the witness in his real colors—when I have shown you his habitual fellowship with baseness and fraud? He gave a recipe for forging money. "Why did you give it to him?" "He was an inquisitive man, and I gave it as a matter of course." "But why did you do it?" "It was a light, easy way of getting money—I gave it as a humbug." He gave a recipe for forging the coin of the country, because it was a light, easy way of getting money! Has it, gentlemen, ever happened to you in the ordinary passages of life, to have met with such a constellation of atrocities and horrors, and that in a single man? What do you say to Clarke? Except his perjury, he has scarcely ground to turn on. What was his cross-examination? "Pray, sir, were you in court yesterday?" "No, sir, I was not." "Why?" "Mr. Kemmis sent me word not to come." There happened to be several persons who saw him in court; one of them swore it—the rest were ready. Call up "little Skirmish" again.* "Pray, Skirmish, why did you say you were not in court yesterday, when you were?" "Why, it was a little bit of a mistake, not being a lawyer. It being a

* "Little Skirmish," a character in the Deserter.

matter of law, I was mistaken." "How did it happen you were mistaken?" "I was puzzled by the hard questions that Mr. M'Nally asked me." What was the hard question he was asked? "Were you in court yesterday?" "No; Mr. Kemmis sent me word I need not come." Can you, gentlemen of the jury, suppose that any simple, well-meaning man would commit such a gross and abominable perjury? I do not think he is a credible man; that is, that he swore truer than Lord Portarlington did, because his lordship stands on a single testimony; he may be true, because he has sworn on both sides; he has sworn positively he was not in the court yesterday; and he has sworn positively he was!—so that, wherever the truth is, he is found in it; let the ground be clean or dirty, he is in the midst of it. There is no person but deserves some little degree of credit; if the soul was as black as night, it would burn to something in hell. But let me not appear to avoid the question by any seeming levity upon it. O'Brien stands blackened by the unimpeached proofs of five positive perjuries. If he was indicted on any one of them, he could not appear to give evidence in a court of justice; and I do call upon you, gentlemen of the jury, to refuse him on his oath that credit which never ought to be squandered on the evidence of an abandoned and self-convicted perjurer.

The charge is not merely against the prisoner at the bar; it takes in the entire character of your country. It is the first question of the kind for ages brought forward in this nation to public view, after an expiration of years. It is the great experiment of the informers of Ireland, to see with what success they may make this traffic of human blood. Fifteen men are now in jail, depending on the fate of the unfortunate prisoner, and on the same blasted and perjured evidence of O'Brien. I have stated at large the case, and the situation of my client: I make no apology for wasting your time; I regret I have not been more able to do my duty; it would insult you if I were to express any such feeling to you. I have only to apologize to my client for delaying his acquittal. I have blackened the character of O'Brien in every point of view; and, though he anticipated the attack that would be made on it, yet he could

not procure one human being even base enough to depose that he was to be believed on his oath.

The character of the prisoner has been given. Am I warranted in saying, that I am now defending an innocent and unfortunate fellow subject, on the grounds of eternal justice and immutable law? and by that eternal law I do call upon you to acquit my client. I call upon you for your justice; Great is the reward, and sweet is the recollection in the hour of trial, and in the day of dissolution, when, the casualties of life are pressing close upon your heart, and when in the agonies of death, you look back to the justifiable and honorable transactions of your life. At the awful foot of eternal justice I do, therefore, invite you to acquit my client; and may God, of his infinite mercy, grant you that great compensation which is a reward more lasting than that perishable crown we read of, which the ancients gave to him who saved the life of a fellow citizen in battle. In the name of public justice! I do implore you to interpose between the perjurer and his intended victim! and, if ever you are assailed by the villainy of an informer, may you find refuge in the recollection of that example, which, when jurors, you set to those that might be called to pass judgment upon your lives; to repel at the human tribunal the intended effects of hireling perjury, and premeditated murder! If it should be the fate of any of you to count the tedious moments of captivity, in sorrow and in pain, pining in the damps and gloom of a dungeon, recollect there is another more awful tribunal than any on earth, which we must all approach, and before which the best of us will have occasion to look back to what little good he has done on this side the grave; I do pray, that Eternal Justice may record the deed you have done, and give to you the full benefit of your claims to an eternal reward, a requital in mercy upon your souls!



HENRY GRATTAN.

SELECT SPEECHES OF

HON. HENRY GRATTAN.

MEMOIR OF HON. HENRY GRATTAN.

In the eighteenth century, Grattan stands forth as the exalted patriot, the upright statesman, the foremost orator in the Irish senate or at the Irish bar. His name continues to enjoy the reverence with which his contemporaries environed it, and Time has left his laurels undimmed, his memory still fresh.

Born in Dublin in 1750, he was carefully trained for his future career in life by his father, himself a barrister, and for years filling the judical position of Recorder, as well as representing his native city in the parliament which Ireland possessed at that day.

Young Grattan entered Trinity College in 1763, and after graduating, four years later, proceeded to the Middle Temple, London, to pursue the course of legal study which was to fit him to succeed his father. But his mind was too great to be content with mediocrity. He hung in rapt admiration on the eloquent periods of the great Lord Chatham, and resolved to be an orator, devoting his study to excel in eloquence.

He was admitted to the Irish bar in 1772, and three years later entered the parliament of Ireland as member for Charlemont. He at once, renouncing all hopes of government patronage, joined Flood and the leading patriots in their efforts to benefit Ireland. Free trade was one thing they claimed, and which England refused. In April, 1780, he introduced his famous Declaration of Rights, and by his eloquent advocacy of the best interests of his native land became the idol of the Irish people. When government appealed to the volunteers, Grattan fired the national spirit, and through his influence the number rose to eighty thousand.

He was the master spirit of the convention at Dungannon, and drew the famous resolution, that "a claim of any body of men other than the King, Lords and Commons of Ireland to make laws to bind this kingdom, is unconstitutional, illegal and a grievance."

England yielded then, to plot in treachery the Act of Union.

For a time Grattan lost some of his power for good by his quarrel with Flood, and after representing Dublin in 1790, retired temporaily from parliament, but when the infamous Union was proposed, re-entered it as member for Wicklow.

When that iniquitous suppression of Irish legislation was accomplished, he entered the Imperial parliament, representing Malton in 1805 and Dublin in 1806 ; but the voice of an Irish member was lost in halls where Irish interests and Irish welfare were but scoffed at.

His impassioned eloquence, his learning, his patriotic fervor, were almost unheeded, but he labored to the last with unswerving fidelity to the great principles of his life, and died in London, May 14th, 1820.

SPEECHES OF HON. HENRY GRATTAN.

SPEECH IN THE IRISH HOUSE OF COMMONS, ON MR. FORBES' BILL TO LIMIT PENSIONS.

[In 1785, the pension list amounted to £95,000, which exceeded the whole amount of the civil establishment. From 1757 to 1785, every establishment, civil and military, greatly increased—the patronage of the Crown was extended, and the national debt amounted to more than two millions.—The pension list of Ireland exceeded that of England.—The commerce—the revenue, and the resources of the former, bore no competition with those of the latter.—"It was idle, therefore," said Mr. Forbes, "to talk of the independence of the Irish parliament, whose members received wages from the Crown." On this debate, Mr. Grattan made the memorable declaration, which seemed to have given such pain to the delicate feelings of ministers:—"Should I affirm," said Mr. Grattan, "that the pension list is not a grievance, I should affirm, in the face of my country, an impudent, insolent, and a public lie!"]

Mr. Grattan rose, and spoke as follows:

Sir, the gentlemen who have urged the most plausible argument against the bill, have not taken the trouble to read it. They say, that it gives up the control of parliament over such pensions as shall not exceed the limits of the bill. No such thing—your control cannot be given up without express words; but here there are express words to save it: here, aware of such a pretence, and that no color should be given for such an objection, the preamble states the nature of the pensions which are to have any existence at all, "such as are allowed by parliament." This objection being answered by the bill, I must advert to another, which has nothing to say to the bill.

A right honorable member has declared the bill to be the most exceptionable that ever came into parliament; and his reason for this most extraordinary declaration is most singular indeed, "because it restrains the ministers of the Crown, and leaves the pension list open to both houses of parliament." From thence he infers that a practice of profusion will ensue, and from hence you would infer that the pension list was not now open to the addresses of both or either of the houses of parliament; but the fact is, that the evil he deprecates, now exists: that the bill does not give, but finds and leaves a power to both houses of parliament to address on such subjects. As the matter now stands, both or either of the houses of parliament may address for such charges, and the minister may also impose such charges with such addresses. You are thus exposed to the two causes of expense, the power of address in us, and the unlimited power of pensioning without address in the minister; and the right honorable thinks you will increase profusion by removing one of its causes;—the principal cause —the notorious cause—the unlimited power of the minister, the most constant, operative and plentiful source of prodigality. In the same argument he adds, that the power of parliament, in disposing of the public money, ruined this country, when there was a redundancy in the treasury, by serving the purposes of jobbing aristocracy. According to him, then, the greatest evils which can befall this country are a surplus in the treasury, and a restraint on the prodigality of the minister.

A prosperity which produces redundancy, and a constitutional bill which restrains the unlimited grants of the Crown, is his recipe for the ruin of Ireland. In the course of this argument my right honorable friend has spoken of economy. Sir, a friend of mine the other night moved a resolution on the principle of economy, "that your expense should not exceed your income;" his motion was founded on an obvious maxim, that in ordinary years a government should be restrained by its own estimate of expense and revenue; his motion was rejected on two idle arguments:—That unforeseen emergencies might arise, was one argument; but neither the complexion nor situation of the times warranted the apprehension of danger, and therefore the argument, if it had no corruption in

contemplation, was fictitious and idle. The other argument against my friend's motion was, that the maxims of economy were adopted already by the present administration.—On what foundation, fact, or authority, such an argument was advanced, the catalogue of pensions can best determine. Those pensions are not words, but facts. I always conceived that the public treasure was, like the people's liberty, to be guarded rather by law than confidence; and I thought the new taxes a good opportunity for establishing such a safeguard. I thought that such a confidence, without such a safeguard, would encourage administration at last into acts of profusion; but I could not think the act of profusion would accompany the professions of economy and the grants of the people. I could not foresee that peculation would attend the birth of the tax. I will consider this peculation, or the new catalogue of pensions, and then the bill—first the grievance, then the remedy.

See how this grievance will naturally affect the people: they will, perhaps, be inclined to think that they see in such a measure the old school revived—the old spirit of plunder renewed, when government in Ireland was nothing but the division of spoil. They will remember that they have given new taxes, and that they have not received the commerce which was, I say, promised, or the economy which was professed; in short, they will see that you have gotten their money, and have given them, as compensation, a new list of pensions.

See how this grievance may affect the British government: when the British minister sees that he has incurred the odium of the new taxes, and of their misapplication, he will naturally expect that his influence, at least, is augmented; but when he finds that he has added nothing to his power, he will lament this attack on his credit. The British government will recollect, that to remove the causes of discontent and jealousy in Ireland, Great Britain surrendered her assumed supremacy. Perhaps that government will not think itself well used in the present attempt to revive Irish jealousy, by the unnecessary peculation of their servants in Ireland.

See again how this grievance affects the Irish ministry.

Why give Ireland a grievance, for no object on earth, but to lessen the credit of the Irish government? Gentlemen speak of reflection—that catalogue is the reflection. You cannot conceal, nor justify, nor extenuate: your connivance would be aggravation. The name of his Excellency has been introduced to sway debate; his friends come in too late to serve him on this subject; they should have dissuaded him from giving the offence; they should have told his Excellency, that his list of pensioners would be prejudicial to his fame, and was unnecessary to his support; that the profit went to others, and the scandal to the government.

While I protest against this measure, as a most disinterested act of profusion on the part of government, and therefore as an act of the most superlative folly, yet will I say more of his grace, the Duke of Rutland; more than his own servants have said of him; they have said of him on this subject, what is ever said, that he is a lord lieutenant in the right; I say he is an honest man in the wrong, which is better.

Having stated the grievance, as far as affects the three interests concerned, I shall consider the defence; and first, it is advanced, that the pension list of Ireland is comparatively small—small, if you compare it to the royal establishments of England, or other countries.

I directly controvert that position; it is comparatively great; for it is this moment equal to the pension list of Great Britain; compare it to your hereditary revenue, and it is above one third of the net produce of that revenue; and in the course of thirty years it has increased more than double. Another argument advanced in its defence tells you, that the new pension list or the last catalogue is small; sir, it is greater than the produce of your new tax on hawkers and peddlers. Why continue that tax? Because government could not spare it. Why waste that tax? When I see the state repose itself on beggars, I pity and submit. But when I see the state give away its taxes thus eviscerated from the poor; when I see government come to the poor man's hovel for a part of his loaf to scatter it; when I see government tax the peddler to pamper the pensioner, I blush for the extortion of the state, and reprobate an offence, that may be well called prodigality of rapine.

Sir, when gentlemen say, that the new charge for pensions is small, let me assure them they need not be alarmed; the charge will be much greater; for, unless your interposition should deter, what else is there to check it?—will public poverty? No. New taxes? No.—Gratitude for those taxes? No.—Principle? No.—Profession? No.—The love of fame, or sense of infamy? No.—Confined to no one description of merit, or want of character, under the authority of that list, every man, woman, and child in Ireland, have pretensions to become a public incumbrance; so that since government went so far, I marvel that they have stopped, unless the pen fell out of their hand from fatigue, for it could not be from principle.

No, sir, this list will go on; it will go on till the merchant shall feel it; until the manufacturer shall feel it; until the pension list shall take into its own hand the keys of taxation; and instead of taxing license to sell, shall tax the article and manufacture itself; until we shall lose our great commercial resource, a comparative exemption from taxes, the gift of our poverty, and get an accumulation of taxes to be the companion of our poverty; until public indignation shall cry shame upon us, and the morality of a serious and offended community shall call out for the interposition of law.

As a further defence of this grievance, it is said that the House of Commons have, from time to time, addressed for pensions, and contributed to the incumbrance. If those addresses were improper, government was guilty of covin, in not opposing the addresses in parliament; and the argument then proposes an emulation of reciprocal expense, and the exhortation to mutual rapine. If, on the other hand, these addresses were proper, the argument amounts to this—that there are many necessary charges on the pension list, therefore there should be more that are unnecessary; and the greater the public charge on the revenues, the greater should be the misapplication. In the same spirit gentlemen have relied on bounties, and the scrambling committee. The fact, however, is, that the corn bounty is greatly diminished, and the scrambling committee is extinct; but suppose the fact to be otherwise, what is the argument, but a proposal to parliament to

have the nation a victim to jobs on the one hand, and to pensions on the other.

In defence of this incumbrance it is further advanced, that old quality should be supported.—Admitted. I have no personal dislike to any individual of the new catalogue.

I have for some great respect and love. The first name did honor to the chair, and is an honor to the parliament that provides for him. As to old quality, why not bring back the great Irish offices now in the hands of absentees, and give old quality great places instead of little pensions! Again, why the one under that description considered so late, and the other so little? But is the merit of four or five of this catalogue the qualification of nineteen; unless qualification, like the plague, is caught by contagion.

Sir, in so very numerous a list, it is almost impossible that some meritorious persons should not have been obtruded; and yet in so numerous a list, it is astonishing there should be so few of that description. One pension of that description I well remember; it suggests to me other considerations than those which such a list would naturally inspire—I mean the pension to the family of the late chief baron. I moved for that pension: I did it from a natural and instinctive feeling; I came to this House from his hearse. What concern first suggested, reason afterwards confirmed. Do I lament that pension? Yes;—because in it I lament the mortality of noble emulation—of delightful various endowments—and above all, because I feel the absence of him who, if now here, would have inspired this debate, would have asserted your privileges, exposed the false pretences of prerogative, and have added one angelic voice to the councils of the nation.

Having considered the pension list as a grievance, I shall now trouble you with some observations on the remedy, namely, the bill which my friend proposes on the spur of the present expense, grounding himself on the example of England. In opposition to this bill, some gentlemen of this House have come forth in the rusty armor of old prerogative, and have stated this attempt to reform abuses by bill, as an invasion of the sacred rights of the Crown. Sir, I apprehend that parliament may, and ought to remedy abuses, even though they are not in

themselves illegal. On this principle it was that the judges' bill was passed; on this principle the habeas corpus bill in Ireland was passed; and on this principle many of the best laws in England have passed. Abuses which obtain under color of law, are best rectified in parliament.

When the Commons of England had returned to their House, from a decisive answer given by Charles I. to the petition of right, they began to consider the state of the nation in all the various management of the King's prerogative; a message was delivered through the speaker, from the King, to admonish them not to cast reflections on his government, or to enter into the affairs of the state. Sir Edward Coke observed, on that message: "It is the business of this House to moderate the King's prerogative. Nothing which reacheth to abuse, that may not be treated of here." This principle is particularly applicable to cases of money, over which you, by special privilege, preside; and still more applicable to cases of your own revenues, because they are appropriated. A right honorable member has contradicted this; he says, that however the new customs and excise may be appropriated, yet that the old customs are under no appropriation whatsoever; and he says further, that formerly the King had a right to them by common law; and he states that they amount to £200,000 per annum; but the right honorable member is not warranted, either by the laws or constitution of his country, in the doctrine which he has ventured to advance. Charles I. thought, indeed, like the right honorable member, that the King was entitled to tonnage and poundage by common law; but the parliament of England differed from both, and resolved such levies to be illegal, and the persons who, thinking like the member, had been concerned therein, to be delinquents. Nay, the old customs to the King makes an exception; and the qualification of a grant in any degree, usually bespeaks the poverty of the grantor; the member therefore seems not to have adverted sufficiently either to the statute law or the constitution of his country.

The statute of Charles II. which grants the new customs, and which also the member does not appear entirely to understand, seems to consolidate the new and old customs, and appropriate both to one and the same purpose. After reciting

the old grant, and establishing a common book of rates, it says,—"And for the better guarding and defending of the seas," —and then it proceeds to grant the new customs: the words "better guarding and defending of the seas," bespeak the appropriation both to one and the same purpose, and is a term of connection between the old and new customs, making them a common fund for the defence of the seas.

But I might yield all this—I might allow that the hereditary revenue is not appropriated—that the act of customs does not mean the guarding the seas, nor the act of excise the pay of the army. Yet is the hereditary revenue the estate of the nation, of which the first magistrate is but a trustee for public purposes. It is not the private property of the King, but the public revenue, and any diversion thereof is a crime. The great Duke of Buckingham was impeached for such a crime; one article of his impeachment was the grant of several pensions to himself and his friends out of the revenue, and one criminal pension in the schedule, was a charge on the old customs of Ireland. At an earlier period the Duke of Suffolk was impeached, and one charge was the grant of pensions to himself and his friends. At an earlier period, in the reign of Richard II., an Earl of Oxford was impeached for grants to himself and his friends; the crime is called interception of subsidy; whereby the Realm was left undefended, and grants like yours for the defence thereof, wasted on individuals, while the people were doubly taxed, as you are, to make up the wanton deficiency.

Thus does it appear, that in cases concerning pensions by prerogative, the Commons have interfered; though prerogative in those cases might plead that the revenues out of which these grants arose, were wholly appropriated; but a public grant appropriates itself to the public use; and the parliament that proceeds either to punish or control the diversion thereof, does not invade the prerogative of the Crown, but exercises the privilege of the Commons, in guarding the inheritance of the nation. In reforming such abuses, you may proceed in your inquisitorial capacity, as the greatest inquest of the nation, by impeachment, or in your legislative capacity, by bill; the latter is the milder method—my friend adopts it; and proceeds

rather to reform than to punish. You tell him that we have submitted to this grievance for a long time. It is true; but a course of toleration and impunity neither constitutes innocence, nor draws out the sting of a grievance; it is true, you have submitted to this grievance for a long time. Hence the many erroneous arguments of this night. The public inheritance has been so diverted to private purposes, by a series of ministers, that we have forgotten the proprietor in the misapplication of the property, and talk of the estate, as of the private patrimony of the King. Hence these prerogatives of rapine! these rights of plunder! the authority of the King to be robbed by his own servants of the common stock!—Hence it is, that gentlemen have set up the shadow of prerogative as a sentinel to public robbery.

When gentlemen call this bill an attack on the prerogative of the Crown, they are answered by the principles of the constitution; but they are also answered by a precedent of the most decisive nature; and that precedent is this very bill, which is now the law of England. By the law of England, no pensioner for years, or during pleasure, can sit in parliament; and by the law of England the amount of pensions is limited. The first law passed at the time of the Revolution, and was improved in the reign of Queen Anne. The latter passed in 1782, with the entire concurrence of these very persons who now constitute this administration; and yet the argument of prerogative would have been stronger in England, because there a civil list had been granted to the King, and the subsequent limitation of pensions on that list, seemed a revocation of the powers of the grant. On what authority then, or pretence, do gentlemen call a measure which they supported as necessary for England, an invasion of the rights of the Crown, when proposed for the benefit of Ireland? What pretence have they for such partial doctrine of unequal measure? As if that was infringement in Ireland, which in England was constitution; or, as if what was moderation in the people of England, would be in those of Ireland, arrogance and presumption.

This leads me to another objection, on which gentlemen much relied, that this bill is an innovation—a new constitution;

to admit the undue influence of the Crown in parliament, and to control the excess of expense—an innovation! It is an encroachment most certainly, an encroachment on corruption, an invasion on the ancient privileges of venality; it is the old constitution encroaching and innovating on long established dishonest practices and accumulating expenses. All these expenses and practices, it seems we have already sanctified; we voted, the other night, that neither in their excess or application were they a grievance. Sir, I will not presume to censure a vote of this House, but I may be permitted to explain that vote; we could not mean, by that vote, that the present pension list was no grievance, for there was no man in debate hardy enough to make such an assertion; no man considers what that pension list is; it is the prodigality, jobbing, misapplication, and corruption of every Irish minister since 1772. To say that such a list was not, either in its excess or application, a grievance, was to declare, that since that period (that is, above half a century,) all your ministers were immaculate, or rather, indeed, that God had governed you himself, and had never sent you a minister in his anger.

I declare I could not affirm the innocence of the list, because I should be guilty of affirming what I conceive to be false. Do gentlemen think otherwise?—Let them take their catalogue in one hand, and place on their heart the other; let them look this nation in the face, and in that posture declare, that the present Irish pension list is not, either in its excess or application, a grievance! They could not do it; they have voted what they would not say. I dissented from their vote, but I went along with their conviction.

SPEECH IN THE DEBATE ON TITHES.

In the Irish Parliament, in 1787.

Sir, in this session we have, on the subject of tumults, made some progress, though we have not made much. It has been admitted that such a thing does exist among the lower order

of people as distress; we have condemned their violence, we have made provisions for its punishment, but we have admitted also that the peasantry are ground to the earth; we have admitted the fact of distress.

We have gone further; we have acknowledged that this distress should make part of our parliamentary inquiry—we have thought proper, indeed, to postpone the day, but we are agreed, notwithstanding, in two things—the existence of a present distress, and the necessity of a future remedy.

A multitude of particulars would be tedious; but there are some features so very striking and prominent, we cannot avoid the sight of them. Our present system of supporting the clergy, is liable to radical objections: in the south, it goes against the first principle of human existence; in the south, you tithe potatoes. Would any man believe it? the peasant pays, I am informed, often seven pounds an acre for land, gets sixpence a day for his labor, and pays from eight to twelve shillings for his tithe! If the whole case was comprised in this fact, this fact is sufficient to call for your interference: it attacks cultivation in its cradle, and tithes the lowest, the most general, and the most compassionate subsistence of human life: the more severely felt is this, because it is chiefly confined to the south, one of the great regions of poverty. In Connaught, potatoes do not pay tithe; in the north, a moderate modus takes place when they do pay; but in the south they do pay a great tithe; and in the south you have perpetual disturbances! That the tithe of potatoes is not the only distress, I am not now to be informed. Six or seven pounds an acre for land, and sixpence a day for labor, are also causes of misery; but the addition of eight, ten, or twelve shillings tithe, to the two other causes, is, and must be, a very great aggravation of that misery; and as you cannot well interfere in regulating the rent of land, or price of labor, I do not see that you, therefore, should not interfere where you can regulate and relieve; I do not see why you should suffer a most heavy tithe to be added to the high price of rent, and the low price of labor; neither am I sensible of the force of that supposition, which conceives a diminution of the tithe of potatoes would be only an augmentation of the rent; for I do not find that rent is higher in

counties where potatoes are not tithed; nor can I see how an existing lease can be cancelled, and the rent increased, by the diminishing or taking off the tithe; neither do I see that similitude between tithe and rent, which should justify the comparison; rent is payment for land, tithe is payment for capital, and labor expended on land; the proportion of rent diminishes with the proportion of the produce, that is, of the industry—the proportion of tithe increases with the industry; rent therefore, even a high rent, may be a compulsion on labor, and tithe a penalty.

The cottager does pay tithe, and the grazier does not; the rich grazier, with a very beneficial lease, and without any system of husbandry, is exempted, and throws the parson on labor and poverty. As this is against the first principle of husbandry, so another regulation is against the first principle of manufacture. You tithe flax, rape, and hemp, the rudiments of manufacture. Hence, in the north, you have no flax farmers, though there are many who cultivate flax. You give a premium for the growth of flax, a premium for the land carriage and export of corn, and you give the parson the tithe of the land, labor, and cultivation occupied therein, contrary to the prosperity of either; as far as you have settled, you are wrong, and wrong where you have unsettled.

What is the tithe is one question, what is tithable is another. Claims have been made to the tithe of turf, the tithe of roots; moduses have been disputed, litigation has been added to oppression; the business has been ever shamefully neglected by parliament, and has been left to be regulated, more or less, by the dexterity of the tithe-proctor, and the violence of the parish; so that distress has not been confined to the people, it has extended to the parson; your system is not only against the first principle of human existence—against the first principle of good husbandry—against the first principle of manufacture—against the first principle of public quiet—it goes also against the security and dignity of the clergy. Their case has been reduced to two propositions—that they are not supported by the real tithe or tenths, and that they are supported by a degrading annual contract; the real tithe or tenth is therefore unnecessary for their support, for they have done

without it; and the annual contract is improper, by their own admission, and the interference of parliament proper therefore. Certainly the annual contract is below the dignity of a clergyman; he is to make a bargain with the squire, the farmer, and the peasant, on a subject which they do, and he does not understand; the more his humanity and his erudition, the less his income; it is a situation where the parson's property falls with his virtues, and rises with his bad qualities. Just so the parishioner—he loses by being ingenuous, and he saves by dishonesty. The pastor of the people is made a spy on the husbandman; he is reduced to become the annual teasing contractor and litigant, with a flock among whom he is to extend religion by his personal popularity; an agent becomes necessary for him; it relieves him in this situation, and this agent or proctor involves him in new odium and new disputes; the squire not seldom defrauds him, and he is obliged to submit in repose and protection, and to reprise on the cottager; so that it often happens that the clergyman shall not receive the thirtieth, and the peasant shall pay more than the tenth; the natural result of this is a system which makes the parson dependent on the rich for his repose, and on the poor for his subsistence. I am sure the spirit of many clergymen, and the justice of many country gentlemen, resist such an evil in many cases; but the evil is laid in the law, which it is our duty and interest to regulate.

From a situation so ungracious, from the disgrace and loss of making in his own person a little bargain with squires, farmers, and peasants, of each and every description, and from non-residence, the parson is obliged to take refuge in the assistance of a character, by name a tithe farmer, and by profession an extortioner; this extortioner becomes part of the establishment of the church; by interest and situation, there are two descriptions of men he is sure to defraud, the one is the parson, the other the people. He collects sometimes at fifty per cent.; he gives the clergyman less than he ought to receive, and takes from the peasants more than they ought to pay; he is not an agent who is to collect a certain rent; he is an adventurer, who gives a certain rate for the privilege of making a bad use of an unsettled claim; this claim over the

powers of collection, and what is teasing or provoking in the law, is in his hand an instrument not of justice but of usury; he sometimes sets the tithes to a second tithe farmer, so that the land becomes a prey to a subordination of vultures.

In arbitrary countries the revenue is collected by men who farm it, and it is a mode of oppression the most severe in the most arbitrary country; the farming of the revenue is given to the Jews. We introduce this practice in the collection of tithes, and the tithe farmer frequently calls, in aid of Christianity, the arts of the synagogue;—obnoxious on account of all this, the unoffending clergyman, thrown off by the rich upon the poor, cheated most exceedingly by his tithe farmer, and afterwards involved in his odium, becomes an object of outrage; his property and person are both attacked, and in both the religion and laws of your country scandalized and disgraced. The same cause which produces a violent attack on the clergyman among the lower order of the community, produces among some of the higher orders a languor and neutrality in defending him. Thus outraged and forsaken he comes to parliament; we abhor the barbarity, we punish the tumult, we acknowledge the injury, but we are afraid of administering any radical or effectual relief; because we are afraid of the claims of the church; they claim the tenth of whatever by capital, industry or premium is produced from land. One thousand men claim this, and they claim this without any stipulation, for what appears for the support of the poor, the repair of the church, or even the residence of the preacher. Alarmed at the extent of such a claim, we conceive that the difficulty of collection is our security, and fear to give powers which may be necessary for the collection of customary tithes, lest the clergy should use those powers for the enforcing of a long catalogue of dangerous pretensions. We have reason for this apprehension; and the last clause in the riot act has prompted a clergyman in the south to demand the tithe of Agistment, and to attempt to renew a confusion which your act intended to compose. The present state of the clergyman is, that he cannot collect his customary tithe without the interference of parliament; and parliament cannot interfere without making a general regulation, lest any assistance now given

should be applied to the enforcement of dormant claims—ambiguous and unlimited.

Thus, I submit to this House, the situation of the clergy, as well as of the people, calls on you to take up at large the subject of the tithe. You have two grounds for such an investigation—the distress of the clergy, and the distress of the people.

Against your interference three arguments are objected, two of which are fictitious, and one only is sincere. The sincere but erroneous objection is, that we ought not to affect in any degree the rights of the church; to which I answer briefly, that if, by the rights of the church, the customary tithes only are intended, we ought to interfere, to give and secure the full profit of them; and if, by the rights of the church, are meant those dormant claims I allude to, we ought to interfere to prevent their operation.

Of the two arguments, that one on petitions relies on the impossibility of making any commutation; but this argument rather fears the change than the difficulty. This argument is surely erroneous, in supposing that the whole wit of man, in parliament assembled, cannot, with all its ingenuity, find a method of providing for nine thousand persons. We, who provide for so large a civil list, military list, pension list, revenue list, cannot provide for the church. What! is the discovery of the present income of the church an impenetrable mystery? Or is it an impossibility to give the same income, but arising from a different regulation? fixing some standard in the price of grain; or if commutation be out of the power of human capacity, is this establishment of a modus impossible—different, perhaps, in the different counties, but practicable in all? or if not practicable, how comes it, that there should be a modus established in some parts of Ireland already for some tithable articles? Is it impossible to have a moderate modus on corn, and some modus on pasture? Or to lay on potatoes a very small modus, or rather to exonerate them as well as flax? Would it not be practicable to get rid of the tithe-farmer, and give his plunder between the people and the parson? If all this be a difficulty, it is a difficulty which is worthy of you; and if you succeed in any part of it, you do service.

The other argument relies on the times; and I acknowledge they are an objection to the bill at present, but none against the laying the foundation now, of a measure to take place on the restoration of public peace; it may be an inducement to that peace; it cannot be an incentive to the contrary; it is giving government the full force of reward and punishment; and I apprehend, if no step whatsoever was taken, and no debate introduced at present, nothing would be done in future. I shall therefore trouble you with a motion now, and next session, with a bill on that subject.

He then moved the following resolution:

"That, if it shall appear, at the commencement of the next session of parliament, that public tranquillity has been restored in those parts of the kingdom that have been lately disturbed, and due obedience paid to the laws, this House will take into consideration the subject of tithes, and endeavor to form some plan for the honorable support of the clergy, and the ease of the people."

ON THE DOWNFALL OF BONAPARTE.

In the House of Commons, May, 1815.

Sir: I sincerely sympathize with the honorable gentlemen who spoke last in his anxiety on this important question; and my solicitude is increased by a knowledge that I differ in opinion from my oldest political friends. I have further to contend against the additional weight given to the arguments of the noble lord who moved the amendment, by the purity of his mind, the soundness of his judgment, and the elevation of his rank. I agree with my honorable friends in thinking that we ought not to impose a government upon France. I agree with them in deprecating the evil of war; but I deprecate still more the double evil of a peace without securities, and a war without allies. Sir, I wish it was a question between peace

and war; but, unfortunately for the country, very painfully to us, and most injuriously to all ranks of men, peace is not in our option; and the real question is, whether we shall go to war when our allies are assembled, or fight the battle when those allies shall be dissipated?

Sir, the French government is war; it is a statocracy, elective, aggressive, and predatory; her armies live to fight, and fight to live; their constitution is essentially war, and the object of that war the conquest of Europe. What such a person as Bonaparte, at the head of such a constitution, will do, you may judge by what he has done; and, first, he took possession of the greater part of Europe; he made his son King of Rome; he made his son-in-law Viceroy of Italy; he made his brother King of Holland; he made his brother-in-law King of Naples; he imprisoned the King of Spain; he banished the Regent of Portugal, and formed his plan to take possession of the Crown of England. England had checked his designs; her trident had stirred up his empire from its foundation; he complained of her tyranny at sea; but it was her power at sea which arrested his tyranny on land—the navy of England saved Europe. Knowing this, he knew the conquest of England became necessary for the accomplishment of the conquest of Europe, and the destruction of her marine necessary for the conquest of England. Accordingly, besides raising an army of sixty thousand men for the invasion of England, he applied himself to the destruction of her commerce, the foundation of her naval power. In pursuit of this object, and on his plan of a western empire, he conceived, and in part executed, the design of consigning to plunder and destruction the vast regions of Russia; he quits the genial clime of the temperate zone; he bursts through the narrow limits of an immense empire; he abandons comfort and security, and he hurries to the pole, to hazard them all, and with them the companions of his victories, and the fame and fruits of his crimes and his talents, on speculation of leaving in Europe, throughout the whole of its extent, no one free or independent nation. To oppose this huge conception of mischief and despotism, the great potentate of the north, from his gloomy recesses, advances to defend himself against the voracity of ambition amid the sterility of his em-

pire. Ambition is omnivorous—it feasts on famine and sheds tons of blood, that it may starve in ice, in order to commit a robbery on desolation. The power of the North, I say, joins another prince, whom Bonaparte had deprived of almost the whole of his authority, the King of Prussia, and then another potentate, whom Bonaparte had deprived of the principal part of his dominions, the Emperor of Austria. These three powers, physical causes, final justice, the influence of your victories in Spain and Portugal, and the spirit given to Europe by the achievements and renown of your great commander, (the Duke of Wellington,) together with the precipitation of his own ambition, combine to accomplish his destruction. Bonaparte is conquered. He who said: "I will be like the Most High;" he who smote the nations with a continual stroke—this short-lived son of the morning, Lucifer, falls, and the Earth is at rest; the phantom of royalty passes on to nothing, and the three kings to the gates of Paris; there they stand, the late victims of his ambition, and now the disposers of his destiny and the masters of his empire; without provocation he had gone to their countries with fire and sword; with the greatest provocation they come to his country with life and liberty; they do an act unparalleled in the annals of history, such as nor envy, nor time, nor malice, nor prejudice, nor ingratitude can efface; they give to his subjects liberty, and to himself life and royalty. This is greater than conquest! The present race must confess their virtues, and ages to come must crown their monuments, and place them above heroes and kings in glory everlasting.

When Bonaparte states the conditions of the treaty of Fontainebleau are not performed, he forgets one of them, namely, the condition by which he lives. It is very true there was a mixture of policy and prudence in this measure; but it was a great act of magnanimity notwithstanding, and it is not in Providence to turn such an act to your disadvantage. With respect to the other act, the mercy shown to his people, I have underrated it; the allies did not give liberty to France, they enabled her to give a constitution to herself, a better constitution than that which, with much laboriousness, and circumspection, and deliberation, and procrastination, the philoso-

phers fabricated, when the Jacobins trampled down the flimsy work, murdered the vain philosophers, drove out the crazy reformers, and remained masters of the field in the triumph of superior anarchy and confusion; better than that, I say, which the Jacobin destroyed, better than that which he afterwards formed, with some method in his madness, and more madness in his method; with such a horror of power, that in his plan of a constitution he left out a government, and with so many wheels that everything was in movement and nothing in concert, so that the machine took fire from its own velocity in the midst of death and mirth, with images emblematic of the public disorder, goddesses of reason turned fool, and of liberty turned fury. At length the French found their advantage in adopting the sober and unaffected security of King, Lords, and Commons, on the idea of that form of government which your ancestors procured by their firmness, and maintained by their discretion. The people had attempted to give the French liberty, and had failed; the wise men (so her philosophers called themselves) had attempted to give liberty to France, and had failed; it remained for the extraordinary destiny of the French to receive their free constitution from kings. This constitution Bonaparte has destroyed, together with the treaty of Fontainebleau, and having broken both, desires your confidence; Russia confided, and was deceived; Austria confided, and was deceived. Have we forgotten the treaty of Luneville, and his abominable conduct to the Swiss? Spain and other nations of Europe confided, and all were deceived. During the whole of this time he was charging on England the continuation of the war, while he was, with uniform and universal perfidy, breaking his own treaties of peace for the purpose of renewing the war, to end it in what was worse than war itself—his conquest of Europe.

But now he repents and will be faithful! he says so, but he says the contrary also: "I protest against the validity of the treaty of Fontainebleau; it was not done with the consent of the people; I protest against everything done in my absence; see my speech to the army and people; see the speech of my council to me." The treaty of Paris was done in his absence; by that treaty were returned the French colonies and prisoners;

thus he takes life and empire from the treaty of Fontainebleau, with an original design to set it aside; and he takes prisoners and colonies from the treaty of Paris, which he afterwards sets aside also; and he musters an army, by a singular fatality, in a great measure composed of troops who owe their enlargement, and of a chief who owes his life, to the powers he fights, by the resources of France, who owes to those powers her salvation. He gives a reason for this: "Nothing is good which was done without the consent of the people" (having been deposed by that people, and elected by the army in their defiance.) With such sentiments, which go not so much against this or that particular treaty as against the principles of affiance, the question is, whether, with a view to the security of Europe, you will take the faith of Napoleon, or the army of your allies?

Gentlemen maintain, that we are not equal to the contest; that is to say, confederated Europe cannot fight France single-handed. If that be your opinion, you are conquered this moment; you are conquered in spirit: but that is not your opinion, nor was it the opinion of your ancestors. They thought, and I hope transmitted the sentiment as your birthright, that the armies of these islands could always fight, and fight with success their own numbers. See now the numbers you are to command: by this treaty you are to have in the field what may be reckoned not less than six hundred thousand men; besides that stipulated army you have at command, what may be reckoned as much more,—I say you and the allies. The Emperor of Austria alone has an army of five hundred thousand men, of which one hundred and twenty thousand were sent to Italy to oppose Murat, who is now beaten; Austria is not, then, occupied by Murat; Prussia is not occupied by the Saxon, nor Russia by the Pole,—at least, not so occupied that they have not ample and redundant forces for this war; you have a general never surpassed, and allies in heart and confidence. See now Bonaparte's muster: he has lost his external dominions, and is reduced from a population of one hundred millions, to a population of twenty-five millions; besides, he has lost the power of fascination, for though he may be called the subverter of Kings, he has not proved to be the redresser of grievances. Switzerland has not forgotten, all Europe remembers the nature

of his reformation, and that the best reform he introduced was worse than the worst government he subverted. As little can Spain or Prussia forget what was worse even than his reformations, the march of his armies: it was not an army; it was a military government in march, like the Roman legions in Rome's worst time, Italica or Rapax, responsible to nothing, nor God, nor man. Thus he has administered a cure to his partisans for any enthusiasm that might have been annexed to his name, and is now reduced to his resources at home; it is at home that he must feed his armies and find his strength, and at home he wants artillery, he wants cavalry; he has no money, he has no credit, he has no title. With respect to his actual numbers, they are not ascertained, but it may be collected that they bear no proportion to those of the allies.

But gentlemen presume that the French nation will rise in his favor as soon as we enter their country. We entered their country before, but they did not rise in his favor; on the contrary, they deposed him; the article of deposition is given at length. It is said we endeavor to impose a government on France. The French armies elect a conqueror for Europe, and our resistance to this conqueror is called imposing a government on France; if we put down this chief, we relieve France as well as Europe from a foreign yoke, and this deliverance is called the imposition of a government on France. He—he imposed a government on France; he imposed a foreign yoke on France; he took from the French their property by contribution; he took their children by conscription; he lost her empire, and, a thing almost unimaginable, he brought the enemy to the gates of Paris. We, on the contrary, formed a project, as appears from a paper of 1805, which preserved the integrity of the French empire; the allies. in 1814, not only preserved the integrity of the empire as it stood in 1792, but gave her her liberty, and they now afford her the only chance of redemption. Against these allies will France now combine, and having received from them her empire as it stood before the war, with additions in consequence of their deposition of Bonaparte, and having gotten back her capital, her colonies, and her prisoners, will she break the treaty to which she owes them; rise up against the allies who gave them; break her

oath of allegiance; destroy the constitution she has formed; depose the King she has chosen; rise up against her own deliverance, in support of contribution and conscription, to perpetuate her political damnation under the yoke of a stranger?

Gentlemen say France has elected him. They have no grounds for so saying; he had been repulsed at Antibes, and he lost thirty men; he landed near Cannes the first of March, with one thousand one hundred. With this force he proceeded to Grasse, Digne, Gap, and on the seventh he entered Grenoble; he there got from the desertion of regiments above three thousand men and a park of artillery; with this additional force he proceeded to Lyons; he left Lyons with about seven thousand strong, and entered Paris on the twentieth, with all the troops of the line that had been sent to oppose him; the following day he reviewed his troops, and nothing could equal the shouts of the army except the silence of the people. This was, in the strictest sense of the word, a military election: it was an act where the army deposed the civil government; it was the march of a military chief over a conquered people. The nation did not rise to resist Bonaparte or to defend Louis, because the nation could not rise upon the army; her mind as well as her constitution was conquered; in fact, there was no nation; everything was army, and everything was conquest. France had passed through all the degrees of political probation, revolution, counter-revolution, wild democracy, intense despotism, outrageous anarchy, philosophy, vanity, and madness; and now she lay exhausted, for horse, foot, and dragoons to exercise her power, to appoint her a master—captain or cornet who should put the brand of his name upon her government, calling it his dynasty, and under this stamp of dishonor pass her on to futurity.

Bonaparte, it seems, is to reconcile everything by the gift of a free constitution. He took possession of Holland, he did not give her a free constitution; he took possession of Spain, he did not give her a free constitution; he took possession of Switzerland, whose independence he had guaranteed, he did not give her a free constitution; he took possession of Italy he did not give her a free constitution; he took possession of France, he did not give her a free constitution; on the con-

trary, he destroyed the directorial constitution, he destroyed the consular constitution, and he destroyed the late constitution formed on the plan of England! But now he is, with the assistance of the Jacobins, to give her liberty; that is, the man who can bear no freedom, unites to form a constitution with a body who can bear no government! In the mean time, while he professes liberty, he exercises despotic power, he annihilates the nobles, he banishes the deputies of the people, and he sequesters the property of the emigrants. "Now he is to give liberty!" I have seen his constitution, as exhibited in the newspaper; there are faults innumerable in the frame of it, and more in the manner of accepting it: it is to be passed by subscription without discussion, the troops are to send deputies, and the army is to preside. There is some cunning, however, in making the subscribers to the constitution renounce the House of Bourbon; they are to give their word for the deposition of the King, and take Napoleon's word for their own liberty; the offer imports nothing which can be relied on, except that he is afraid of the allies. Disperse the alliance, and farewell to the liberty of France and the safety of Europe.

Under this head of ability to combat Bonaparte, I think we should not despair.

With respect to the justice of the cause, we must observe Bonaparte has broken the treaty of Fontainebleau; he confesses it; he declares he never considered himself as bound by it. If, then, that treaty is out of the way, he is as he was before it—at war. As Emperor of the French, he has broken the treaty of Paris; that treaty was founded on his abdication; when he proposes to observe the treaty of Paris, he proposes what he cannot do unless he abdicates.

The proposition that we should not interfere with the government of other nations is true, but true with qualifications. If the government of any other country contains an insurrectionary principle, as France did when she offered to aid the insurrections of her neighbors, your interference is warranted; if the government of another country contains the principle of universal empire, as France did, and promulgated, your interference is justifiable. Gentlemen may call this internal government, but I call this conspiracy; if the government of

another country maintains a predatory army, such as Bonaparte's, with a view to hostility and conquest, your interference is just. He may call this internal government, but I call this a preparation for war. No doubt he will accompany this with offers of peace; but such offers of peace are nothing more than one of the arts of war, attended, most assuredly, by charging on you the odium of a long and protracted contest, and with much common-place, and many good saws and sayings of the miseries of bloodshed, and the savings and good husbandry of peace, and the comforts of a quiet life; but if you listen to this, you will be much deceived; not only deceived, but you will be beaten. Again, if the government of another country covers more ground in Europe, and destroys the ballance of power, so as to threaten the independence of other nations, this is a cause of your interference. Such was the principle upon which we acted in the best times; such was the principle of the grand alliance; such the triple alliance; and such the quadruple; and by such principles has Europe not only been regulated, but protected. If a foreign government does any of those acts I have mentioned, we have a cause of war; but if a foreign power does all of them, forms a conspiracy for universal empire, keeps up an army for that purpose, employs that army to overturn the balance of power, and attempts the conquest of Europe—attempts, do I say? in a great degree achieves it (for what else was Bonaparte's dominion before the battle of Leipsic?) and then receives an overthrow, owes its deliverance to treaties which give that power its life, and these countries their security (for what did you get from France but security?) if this power, I say, avails itself of the conditions in the treaties which give it colonies, prisoners, and deliverance, and breaks those conditions which give you security, and resumes the same situation which renders this power capable of repeating the same atrocity, has England, or has she not, a right of war?

Having considered the two questions,—that of ability, and that of right,—and having shown that you are justified on either consideration to go to war, let me now suppose that you treat for peace. First, you will have a peace upon a war establishment, and then a war without your present allies. It is

not certain that you will have any of them, but it is certain that you will not have the same combination while Bonaparte increases his power by confirmation of his title and by further preparation; so that you will have a bad peace and a bad war. Were I disposed to treat for peace, I would not agree to the amendment, because it disperses your allies and strengthens your enemy, and says to both, we will quit our alliance to confirm Napoleon on the throne of France, that he may hereafter more advantageously fight us, as he did before, for the throne of England.

Gentlemen set forth the pretensions of Bonaparte; gentlemen say that he has given liberty to the press. He has given liberty to publication, to be afterwards tried and punished according to the present constitution of France—as a military chief pleases; that is to say, he has given liberty to the French to hang themselves. Gentlemen say, he has in his dominions abolished the slave trade. I am unwilling to deny him praise for such an act; but if we praise him for giving liberty to the African, let us not assist him in imposing slavery on the European. Gentlemen say, Will you make war upon character? But the question is, will you trust a government without one? What will you do if you are conquered? say gentlemen. I answer, the very thing you must do if you treat,—abandon the Low Countries. But the question is, in which case are you most likely to be conquered—with allies or without them? Either you must abandon the Low Countries, or you must preserve them by arms; for Bonaparte will not be withheld by treaty. If you abandon them, you will lose your situation on the globe; and instead of being a medium of communication and commerce between the new world and the old, you will become an anxious station between two fires—the continent of America, rendered hostile by the intrigues of France; and the continent of Europe, possessed by her arms. It then remains for you to determine, if you do not abandon the Low Countries, in what way you mean to defend them, alone or with allies.

Gentlemen complain of the allies, and say, they have partitioned such a country, and transferred such a country, and seized on such a country. What! will they quarrel with their ally, who has possessed himself of a part of Saxony, and

shake hands with Bonaparte, who proposed to take possession of England? If a Prince takes Venice, we are indignant; but if he seizes on a great part of Europe, stands covered with the blood of millions, and the spoils of half mankind, our indignation ceases; vice becomes gigantic, conquers the understanding, and mankind begin by wonder, and conclude by worship. The character of Bonaparte is admirably calculated for this effect; he invests himself with much theatrical grandeur; he is a great actor in the tragedy of his own government; the fire of his genius precipitates on universal empire, certain to destroy his neighbors or himself; better formed to acquire empire than to keep it, he is a hero and a calamity, formed to punish France and to perplex Europe.

The authority of Mr. Fox has been alluded to,—a great authority and a great man; his name excites tenderness and wonder; to do justice to that immortal person you must not limit your view to this country; his genius was not confined to England, it acted three hundred miles off in breaking the chains of Ireland; it was seen three thousand miles off in communicating freedom to the Americans; it was visible, I know not how far off, in ameliorating the condition of the Indian; it was discernible on the coast of Africa in accomplishing the abolition of the slave trade. You are to measure the magnitude of his mind by parallels of latitude. His heart was as soft as that of a woman; his intellect was adamant; his weaknesses were virtues; they protected him against the hard habit of a politician, and assisted nature to make him amiable and interesting. The question discussed by Mr. Fox in 1792, was, whether you would treat with a revolutionary government? The present is, whether you will confirm a military and a hostile one? You will observe that when Mr. Fox was willing to treat, the French, it was understood, were ready to evacuate the Low Countries. If you confirm the present government, you must expect to lose them. Mr. Fox objected to the idea of driving France upon her resources, lest you should make her a military government. The question now is, whether you will make that military government perpetual. I therefore do not think the theory of Mr. Fox can be quoted against us; and the practice of Mr. Fox tends to establish our

proposition, for he treated with Bonaparte and failed. Mr. Fox was tenacious of England, and would never yield an iota of her superiority; but the failure of the attempt to treat was to be found, not in Mr. Fox, but in Bonaparte.

On the French subject, speaking of authority, we cannot forget Mr. Burke—Mr. Burke, the prodigy of nature and acquisition. He read everything, he saw everything, he foresaw everything. His knowledge of history amounted to a power of foretelling; and when he perceived the wild work that was doing in France, that great political physician, intelligent of symptoms, distinguished between the access of fever and the force of health; and what other men conceived to be the vigor of her constitution, he knew to be no more than the paroxysm of her madness, and then, prophet-like, he pronounced the destinies of France, and, in his prophetic fury, admonished nations.

Gentlemen speak of the Bourbon family. I have already said, we should not force the Bourbon upon France; but we owe it to departed (I would rather say to interrupted) greatness, to observe, that the House of Bourbon was not tyrannical; under her, everything, except the administration of the country, was open to animadversion; every subject was open to discussion—philosophical, ecclesiastical, and political, so that learning, and arts, and sciences, made progress. Even England consented to borrow not a little from the temperate meridian of that government. Her court stood controlled by opinion, limited by principles of honor, and softened by the influence of manners: and, on the whole, there was an amenity in the condition of France, which rendered the French an amiable, an enlightened, a gallant, and an accomplished race. Over this gallant race you see imposed an Oriental despotism. Their present court (Bonaparte's court) has gotten the idiom of the East as well as her constitution; a fantastic and barbaric expression: an unreality, which leaves in the shade the modesty of truth, and states nothing as it is, and everything as it is not. The attitude is affected, the taste is corrupted, and the intellect perverted.

Do you wish to confirm this military tyranny in the heart of Europe? A tyranny founded on the triumph of the army

over the principles of civil government, tending to universalize throughout Europe the domination of the sword, and to reduce to paper and parchment, Magna Charta and all our civil institutions. An experiment such as no country ever made, and no good country would ever permit; to relax the moral and religious influences; to set Heaven and Earth adrift from one another, and make God Almighty a tolerated alien in His own creation; an insurrectionary hope to every bad man in the community, and a frightful lesson to profit and power, vested in those who have pandered their allegiance from King to Emperor, and now found their pretensions to domination on the merit of breaking their oaths and deposing their sovereign. Should you do anything so monstrous as to leave your allies in order to confirm such a system; should you forget your name, forget your ancestors, and the inheritance they have left you of morality and renown; should you astonish Europe, by quitting your allies to render immortal such a composition, would not the nations exclaim, "You have very providently watched over our interests, and very generously have you contributed to our service, and do you falter now? In vain have you stopped in your own person the flying fortunes of Europe; in vain have you taken the eagle of Napoleon, and snatched invincibility from his standard, if now, when confederated Europe is ready to march, you take the lead in the desertion, and preach the penitence of Bonaparte and the poverty of England?

As to her poverty, you must not consider the money you spend in your defence, but the fortune you would lose if you were not defended; and further, you must recollect you will pay less to an immediate war than to a peace with a war establishment, and a war to follow it. Recollect further, that whatever be your resources, they must outlast those of all your enemies; and further, that your empire cannot be saved by a calculation. Besides, your wealth is only a part of your situation. The name you have established, the deeds you have achieved, and the part you have sustained, preclude you from a second place among nations; and when you cease to be the first, you are nothing.

CHARLES PHILLIPS, ESQ.

SPEECH AT AN AGGREGATE MEETING OF THE ROMAN CATHOLICS OF CORK.

It is with no small degree of self-congratulation that I at length find myself in a province which every glance of the eye, and every throb of the heart, tells me is truly Irish; and that congratulation is not a little enhanced by finding that you receive me not quite as a stranger. Indeed, if to respect the Christian without regard to his creed, if to love the country but the more for its calamities, if to hate oppression though it be robed in power, if to venerate integrity though it pine under persecution, gives a man any claim to your recognition, then, indeed, I am not a stranger amongst you.

There is a bond of union between brethren, however distant; there is a sympathy between the virtuous, however separated; there is a heaven-born instinct by which the associates of the heart become at once acquainted, and kindred natures, as it were by magic, see in the face of a stranger, the features of a friend. Thus it is, that, though we never met, you hail in me the sweet association, and I feel myself amongst you even as if I were in the home of my nativity. But this my knowledge of you was not left to chance; nor was it left to the records of your charity, the memorials of your patriotism, your municipal magnificence, or your commercial splendor; it came to me hallowed by the accents of that tongue on which Ireland has so often hung with ecstasy, heightened by the eloquence and endeared by the sincerity of, I hope, our mutual friend. Let me congratulate him on

having become in some degree naturalized in a province, where the spirit of the elder day seems to have lingered; and let me congratulate you on the acquisition of a man who is at once the zealous advocate of your cause, and a practical instance of the injustice of your oppressions. Surely, surely if merit had fair play, if splendid talents, if indefatigable industry, if great research, if unsullied principle, if a heart full of the finest affections, if a mind matured in every manly accomplishment, in short, if every noble, public quality, mellowed and reflected in the pure mirror of domestic virtue, could entitle a subject to distinction in a state, Mr. O'Connell should be distinguished; but, it is his crime to be a Catholic, and his curse to be an Irishman. Simpleton! he prefers his conscience to a place, and the love of his country to a participation in her plunder! Indeed he will never rise. If he joined the bigots of my sect, he might be a sergeant; if he joined the infidels of your sect, he might enjoy a pension, and there is no knowing whether some Orange corporator, at an Orange anniversary, might not modestly yield him the precedence of giving "the glorious and immortal memory." Oh, yes; he might be privileged to get drunk in gratitude to the man who colonized ignorance in his native land, and left to his creed the legacy of legalized persecution. Nor would he stand alone, no matter what might be the measure of his disgrace, or the degree of his dereliction.

You well know there are many of your own community who would leave him at the distance-post. In contemplating their recreancy, I should be almost tempted to smile at the exhibition of their pretensions, if there was not a kind of moral melancholy intermingled, that changed satire into pity, and ridicule into contempt. For my part I behold them in the apathy of their servitude, as I would some miserable maniac in the contentment of his captivity. Poor creature! when all that raised him from the brute is levelled, and his glorious intellect is mouldering in ruins, you may see him with his song of triumph, and his crown of straw, a fancied freeman amid the clanking of his chains, and an imaginary monarch beneath the inflictions of his keeper! Merciful God! is it not almost an argument for the skeptic and the disbeliever, when we see

the human shape almost without an aspiration of the human soul, separated by no boundary from the beasts that perish—beholding with indifference the captivity of their country, the persecution of their creed, and the helpless, hopeless destiny of their children? But they have nor creed, nor consciences, nor country; their god is gold, their gospel is a contract, their church a counting-house, their characters a commodity; they never pray but for the opportunities of corruption, and hold their consciences, as they do their government debentures, at a price proportioned to the misfortunes of their country. But let us turn from these mendicants of disgrace; though Ireland is doomed to the stain of their birth, her mind need not be sullied by their contemplation. I turn from them with pleasure to the contemplation of your cause, which, as far as argument can affect it, stands on a sublime and splendid elevation. Every obstacle has vanished into air; every favorable circumstance has hardened into adamant. The Pope, whom childhood was taught to lisp as the enemy of religion, and age shuddered at as a prescriptive calamity, has by his example put the princes of Christendom to shame.

This day of miracles, in which the human heart has been strung to its extremest point of energy; this day, to which posterity will look for instances of every crime and every virtue, holds not in its page of wonders a more sublime phenomenon, than that calumniated pontiff. Placed at the very pinnacle of human elevation, surrounded by the pomp of the Vatican and the splendors of the court, pouring the mandates of Christ from the throne of the Cæsars, nations were his subjects, kings were his companions, religion was his handmaid; he went forth gorgeous with the accumulated dignity of ages, every knee bending, and every eye blessing the prince of one world, and the prophet of another. Have we not seen him in one moment, his crown crumbled, his sceptre a reed, his throne a shadow, his home a dungeon! But if we have, Catholics, it was only to show how inestimable is human virtue compared with human grandeur; it was only to show those whose faith was failing, and whose fears were strengthening, that the simplicity of the patriarchs, the piety of the saints, and the patience of the martyrs, had not wholly vanished.

Perhaps it was also ordained to show the bigot at home, as well as the tyrant abroad, that though the person might be chained, and the motive calumniated, religion was still strong enough to support her sons, and to confound, if she could not reclaim, her enemies. No threats could awe, no promises could tempt, no sufferings could appall him; amid the damps of his dungeon he dashed away the cup in which the pearl of his liberty was to be dissolved. Only reflect on the state of the world at that moment? All around him was convulsed, the very foundations of the earth seemed giving way, the comet was let loose, "from its fiery hair shook pestilence and death," the twilight was gathering, the tempest was roaring, the darkness was at hand; but he towered sublime, like the last mountain in the deluge—majestic, not less in his elevation than in his solitude, immutable amid change, magnificent amid ruin, the last remnant of earth's beauty, the last resting-place of heaven's light!

Thus have the terrors of the Vatican retreated; thus has that cloud which hovered o'er your cause, brightened at once into a sign of your faith, and an assurance of your victory. Another obstacle, the omnipotence of France; I know it was a pretence, but it was made an obstacle. What has become of it? The spell of her invincibility destroyed, the spirit of her armies broken, her immense boundary dismembered, and the lord of her empire become the exile of a rock. She allows fancy no fear, and bigotry no speciousness; and as if in the very operation of the change to point the purpose of your redemption, the hand that replanted the rejected lily was that of an Irish Catholic. Perhaps it is not also unworthy of remark, that the last day of her triumph, and the first of her decline, was that on which her insatiable chieftain smote the holy head of your religion. You will hardly suspect I am imbued with the follies of superstition; but when the man now unborn shall trace the story of that eventful day, he will see the adopted child of fortune, borne on the wings of victory from clime to clime, marking every movement with a triumph, and every pause with a crown, till time, space, and seasons, nay, even nature herself, seeming to vanish from before him—in the blasphemy of his ambition he smote the apostle of his God, and

dared to raise the everlasting Cross amid his perishable trophies! I am no fanatic: but is it not remarkable? May it not be one of those signs which the Deity has sometimes given, in compassion to our infirmity?—signs which, in the punishment of one nation, not unfrequently denote the warning to another:

> "Signs sent by God to mark the will of Heaven:
> Signs, which bid nations weep and be forgiven."

The argument, however, is taken from the bigot; and those whose consciousness taught them to expect what your loyalty should have taught them to repel, can no longer oppose you from the terrors of invasion. Thus, then, the papal phantom and the French threat have vanished into nothing. Another obstacle, the tenets of your creed. Has England still to learn them? I will tell her where. Let her ask Canada, the last plank of her American shipwreck. Let her ask Portugal, the first omen of her European splendor. Let her ask Spain, the most Catholic country in the universe, her Catholic friends, her Catholic allies, her rivals in the triumph, her reliance in the retreat, her last stay when the world had deserted her. They must have told her on the field of blood, whether it was true that they "kept no faith in heretics."

Alas, alas! how miserable a thing is bigotry, when every friend puts it to the blush, and every triumph but rebukes its weakness. If England continued still to accredit this calumny, I would direct her for conviction to the hero, for whose gift alone she owes us an eternity of gratitude; whom we have seen leading the van of universal emancipation, decking his wreath with the flowers of every soil, and filling his army with the soldiers of every sect; before whose splendid dawn, every tear exhaling, and every vapor vanishing, the colors of the European world have revived, and the spirit of European liberty (may no crime avert the omen!) seems to have arisen! Suppose he was a Catholic, could this have been? Suppose Catholics did not follow him, could this have been? Did the Catholic Cortes inquire his faith when they gave him the supreme command? Did the Regent of Portugal withhold from his creed the reward of his valor? Did the Catholic soldier pause at Salamanca to dispute upon polemics? Did the Catholic

chieftain prove upon Barrossa that he kept no faith with heretics? or did the creed of Spain, the same with that of France, the opposite of that of England, prevent their association in the field of liberty? Oh, no, no, no! the citizen of every clime, the friend of every color, and the child of every creed, Liberty walks abroad in the ubiquity of her benevolence: alike to her the varieties of faith and the vicissitudes of country; she has no object but the happiness of man, no bounds but the extremities of creation. Yes, yes, it was reserved for Wellington to redeem his own country when he was regenerating every other. It was reserved for him to show how vile were the aspersions on your creed, how generous were the glowings of your gratitude. He was a Protestant, yet Catholics trusted him; he was a Protestant, yet Catholics advanced him? He is a Protestant Knight in Catholic Portugal; he is a Protestant Duke in Catholic Spain; he is a Protestant commander of Catholic armies: he is more; he is the living proof of the Catholics' liberality, and the undeniable refutation of the Protestants' injustice.

Gentlemen, as a Protestant, though I may blush for the bigotry of many of my creed who continue obstinate, in the teeth of this conviction, still, were I a Catholic, I should feel little triumph in the victory. I should only hang my head at the distresses which this warfare occasioned to my country. I should only think how long she had writhed in the agony of her disunion; how long she had bent, fettered by slaves, cajoled by blockheads, and plundered by adventurers; the proverb of the fool, the prey of the politician, the dupe of the designing, the experiment of the desperate; struggling as it were between her own fanatical and infatuated parties, those hell-engendered serpents which enfold her, like the Trojan seer, even at the worship of her altars, and crush her to death in the very embraces of her children! It is time (is it not?) that she should be extricated. The act would be proud, the means would be Christian; mutual forbearance, mutual indulgence, mutual concession: I would say to the Protestant, "Concede;" I would say to the Catholic, "Forgive;" I would say to both, "Though you bend not at the same shrine, you have a common God, and a common country; the one has commanded love,

the other kneels to you for peace." This hostility of her sects has been the disgrace, the peculiar disgrace of Christianity. The Gentoo loves his caste; so does the Mahometan; so does the Hindoo, whom England, out of the abundance of her charity, is about to teach her creed;—I hope she may not teach her practice. But Christianity—Christianity alone, exhibits her thousand sects, each denouncing his neighbor here, in the name of God; and damning hereafter, out of pure devotion! "You're a heretic," says the Catholic: "You're a Papist," says the Protestant. "I appeal to Saint Peter," exclaims the Catholic: "I appeal to Saint Athanasius," cries the Protestant: "and if it goes to damning, he's as good at it as any saint in the calendar." "You'll all be damned eternally," means out the Methodist; "I'm the elect!"

Thus it is, you see, each has his anathema, his accusation, and his retort; and in the end Religion is the victim! The victory of each is the overthrow of all; and Infidelity, laughing at the contest, writes the refutation of their creed in the blood of the combatants! I wonder if this reflection has ever struck any of those reverend dignitaries who rear their mitres against Catholic emancipation. Has it ever glanced across their Christian zeal, if the story of our country should have casually reached the valleys of Hindostan, with what an argument they are furnishing the heathen world against their sacred missionary? In what terms could the Christian ecclesiastic answer the Eastern Brahmin, when he replied to his exhortations in language such as this?

"Father, we have heard your doctrine; it is splendid in theory, specious in promise, sublime in prospect; like the world to which it leads, it is rich in the miracles of light. But, Father, we have heard that there are times when its rays vanish and leave your sphere in darkness, or when your only lustre arises from meteors of fire, and moons of blood; we have heard of the verdant island which the Great Spirit has raised in the bosom of the waters with such a bloom of beauty, that the very wave she has usurped, worships the loveliness of her intrusion. The sovereign of our forests is not more generous in his anger than her sons; the snowflake, ere it falls on the mountain, is not purer than her daughters; little inland seas reflect the splendors of her landscape, and her valleys smile at the story of the serpent! Father, is it true, that this isle of the sun, this people of the morning, find the fury of the ocean in your creed, and

more than the venom of the viper in your policy! Is it true, that for six hundred years her peasant has not tasted peace, nor her piety rested from persecution? Oh, Brahma! defend us from the God of the Christian! Father, father, return to your brethren, retrace the waters; we may live in ignorance, but we live in love; and we will not taste the tree that gives us evil when it gives us wisdom. The heart is our guide, nature is our gospel; in the imitation of our fathers we found our hope; and, if we err, on the virtue of our motives we rely for our redemption."

How would the missionaries of the mitre answer him? How will they answer that insulted Being of whose creed their conduct carries the refutation?

But to what end do I argue with the Bigot?—a wretch, whom no philosophy can humanize, no charity soften, no religion reclaim, no miracle convert: a monster, who, red with the fires of hell, and bending under the crimes of earth, erects his murderous divinity upon a throne of skulls, and would gladly feed, even with a brother's blood, the cannibal appetite of his rejected altar! His very interest cannot soften him into humanity. Surely, if it could, no man would be found mad enough to advocate a system which cankers the very heart of society, and undermines the natural resources of government; which takes away the strongest excitement to industry, by closing up every avenue to laudable ambition; which administers to the vanity or the vice of a party when it should only study the advantage of a people; and holds out the perquisites of state as an impious bounty on the persecution of religion.

I have already shown that the power of the Pope, that the power of France, and that the tenets of your creed, were but imaginary auxiliaries to this system. Another pretended obstacle has, however, been opposed to your emancipation. I allude to the danger arising from a foreign influence. What a triumphant answer can you give to that! Methinks, as lately, I see the assemblage of your hallowed hierarchy, surrounded by the priesthood, and followed by the people, waving aloft the crucifix of Christ alike against the seductions of the court, and the commands of the conclave! Was it not a delightful, a heart-cheering spectacle, to see that holy band of brothers preferring the chance of martyrdom to the certainty of promotion, and postponing all the gratifications of worldly

pride, to the severe but heaven-gaining glories of their poverty? They acted honestly, and they acted wisely also; for I say here, before the largest assembly I ever saw in any country—and I believe you are almost all Catholics—I say here, that if the See of Rome presumed to impose any temporal mandate directly or indirectly on the Irish people, the Irish bishops should at once abandon it; or the flocks, one and all, would abjure and banish them both together.

History affords us too fatal an example of the perfidious, arrogant, and venal interference of a papal usurper of former days, in the temporal jurisdiction of this country; an interference assumed without right, exercised without principle, and followed by calamities apparently without end. Thus, then, has every obstacle vanished; but it has done more—every obstacle has, as it were, by miracle, produced a powerful argument in your favor. How do I prove it? Follow me in my proofs, and you will see by what links the chain is united. The power of Napoleon was the grand and leading obstacle to your emancipation. That power led him to the menace of an Irish invasion. What did that prove? Only the sincerity of Irish allegiance. On the very threat, we poured forth our volunteers, our yeomen, and our militia; and the country became encircled with an armed and a loyal population. Thus then the calumny of your disaffection vanished. That power next led him to the invasion of Portugal. What did it prove? Only the good faith of Catholic allegiance. Every field in the Peninsula saw the Catholic Portuguese hail the English Protestant as a brother and a friend, joined in the same pride and the same peril. Thus, then, vanished the slander, that you could not keep faith with heretics. That power next led him to the imprisonment of the Pontiff, so long suspected of being quite ready to sacrifice everything to his interest and his dominion. What did that prove? The strength of his principles, the purity of his faith, the disinterestedness of his practice. It proved a life spent in the study of the saints, and ready to be closed by an imitation of the martyrs. Thus, also, was the head of your religion vindicated to Europe. There remained behind but one impediment—your liability to a foreign influence. Now mark!

The Pontiff's captivity led to the transmission of Quarantotti's rescript; and, on its arrival, from the priest to the peasant, there was not a Catholic in the land, who did not spurn the document of Italian audacity! Thus, then, vanished also the phantom of a foreign influence! Is this conviction? Is not the hand of God in it? Oh yes! for observe what followed. The very moment that power, which was the first and last leading argument against you, had, by its special operation, banished every obstacle; that power itself, as it were by enchantment, evaporated at once; and peace with Europe took away the last pretence for exclusion. Peace with Europe! alas, alas, there is no peace for Ireland; the universal pacification was but the signal for renewed hostility to us; and the mockery of its preliminaries was tolled through our provinces by the knell of the curfew. I ask, is it not time that this hostility should cease? If ever there was a day when it was necessary, that day undoubtedly exists no longer. The continent is triumphant, the Peninsula is free, France is our ally. The hapless house which gave birth to Jacobinism is extinct forever. The Pope has been found not only not hostile, but complying. Indeed, if England would recollect the share you had in these sublime events, the very recollection should subsidize her into gratitude. But should she not—should she, with a baseness monstrous and unparalleled, forget our services, she has still to study a tremendous lesson.

The ancient order of Europe, it is true, is restored, but what restored it? Coalition after coalition had crumbled away before the might of the conqueror; crowns were but ephemeral; monarchs only the tenants of an hour; the descendant of Frederick dwindled into a vassal; the heir of Peter shrunk into the recesses of his frozen desert; the successor of Charles roamed a vagabond, not only throneless but houseless; every evening sun set upon a change; every morning dawned upon some new convulsion; in short, the whole political globe quivered as with an earthquake; and who could tell what venerable monument was next to shiver beneath the splendid, frightful, and reposeless heavings of the French volcano? What gave Europe peace, and England safety, amid this palsy of her princes? Was it not the Landwehr and the Landsturm

and the Levy en Masse? Was it not the People?—that first and last, and best and noblest, as well as safest security of a virtuous government. It is a glorious lesson; she ought to study it in this hour of safety: but should she not:

> "Oh, wo be to the prince who rules by fears,
> When danger comes upon him!"

She will adopt it. I hope it from her wisdom; I expect it from her policy; I claim it from her justice; I demand it from her gratitude. She must at length see that there is a gross mistake in the management of Ireland. No wise man ever yet imagined injustice to be his interest; and the minister who thinks he serves a state by upholding the most irritating and the most impious of all monopolies, will one day or other find himself miserably mistaken. This system of persecution is not the way to govern this country; at least to govern it with any happiness to itself, or advantage to its rulers. Centuries have proved its total inefficiency; and if it be continued for centuries, the proofs will be but multiplied. Why, however, should I blame the English people, when I see our own representatives so shamefully negligent of our interest? The other day, for instance, when Mr. Peele introduced, aye, and passed too, his three newly invented penal bills, to the necessity of which every assizes in Ireland, and as honest a judge as ever dignified or redeemed the ermine, has given the refutation; why was it that no Irish member rose in his place to vindicate his country? Where were the nominal representatives of Ireland? Where were the renegade revilers of the demagogue? Where were the noisy proclaimers of the Board? What, was there not one voice to own the country? Was the patriot of 1782 an assenting auditor? Were our hundred itinerants mute and motionless—"quite chop-fallen?" or is it only when Ireland is slandered, and her motives misrepresented, and her oppressions are basely and falsely denied, that their venal throats are ready to echo the chorus of ministerial calumny?

Oh, I should not have to ask those questions, if in the late contest for this city you had prevailed, and sent Hutchinson into parliament; he would have risen, though alone, as I have often seen him—richer not less in hereditary fame, than in

personal accomplishments ; the ornament of Ireland as she is the solitary remnant of what she was. If slander dare asperse her, it would not have done so with impunity. He would have encouraged the timid ; he would have shamed the recreant ; and though he could not save us from chains, he would at least have shielded us from calumny. Let me hope that his absence shall be but of short duration, and that this city will earn an additional claim to the gratitude of the country, by electing him her representative. I scarcely know him but as a public man ; and considering the state to which we are reduced by the apostasy of some, and the ingratitude of others, and venality of more,—I say you should inscribe the conduct of such a man in the manuals of your devotion, and in the primers of your children ; but above all, you should act on it yourselves.

Let me entreat of you, above all things, to sacrifice any personal differences among yourselves, for the great cause in which you are embarked. Remember the contest is for your children, your country, and your God ; and remember, also, that the day of Irish union will be the natal day of Irish liberty. When your own Parliament (which I trust in heaven we may yet see again) voted you the right of franchise, and the right of purchase, it gave you, if you are not false to yourselves, a certainty of your emancipation. My friends, farewell ! This has been a most unexpected meeting to me ; it has been our first—it may be our last. I can never forget the enthusiasm of this reception. I am too much affected by it to make professions ; but, believe me, no matter where I may be driven by the whim of my destiny, you shall find me one in whom change of place shall create no change of principle ; one whose memory must perish ere he forgets his country ; whose heart must be cold when it beats not for her happiness.

SPEECH OF CHARLES PHILLIPS, ESQ., AT A MEETING OF THE ROMAN CATHOLICS OF THE COUNTY AND CITY OF DUBLIN.

Having taken, in the discussions on your question, such humble share as was allotted to my station and capacity, I may be permitted to offer my ardent congratulations at the proud pinnacle on which it this day reposes. After having combated calumnies the most atrocious, sophistries the most plausible, and perils the most appalling, that slander could invent, or ingenuity devise, or power array against you, I at length behold the assembled rank and wealth and talent of the Catholic body offering to the legislature that appeal which cannot be rejected, if there be a Power in heaven to redress injury, or a spirit on earth to administer justice. No matter what may be the depreciations of faction or of bigotry; this earth never presented a more ennobling spectacle than that of a Christian country suffering for her religion, with the patience of a martyr, and suing for her liberties with the expostulations of a philosopher; reclaiming the bad by her piety; refuting the bigoted by her practice; wielding the Apostle's weapons in the patriot's cause, and at length, laden with chains and with laurels, seeking from the country she had saved, the constitution she had shielded! Little did I imagine, that in such a state of your cause, we should be called together to counteract the impediments to its success, created not by its enemies, but by those supposed to be its friends. It is a melancholy occasion; but, melancholy as it is, it must be met, and met with the fortitude of men struggling in the sacred cause of liberty. I do not allude to the proclamation of your Board; of that Board I never was a member, so I can speak impartially. It contained much talent, some learning, many virtues. It was valuable on that account; but it was doubly valuable as being a vehicle for the individual senti-

ments of any Catholic, and for the aggregate sentiments of every Catholic. Those who seceded from it, do not remember that, individually, they are nothing; that as a body, they are everything. It is not this wealthy slave, or that titled sycophant, whom the bigots dread, or the parliament respects. No, it is the body, the numbers, the rank, the property, the genius, the perseverance, the education, but, above all, the *Union* of the Catholics. I am far from defending every measure of the Board—perhaps I condemn some of its measures even more than those who have seceded from it; but is it a reason, if a general makes one mistake, that his followers are to desert him, especially when the contest is for all that is dear or valuable? No doubt the Board had its errors. Show me the human institution which has not. Let the man, then, who denounces it, prove himself superior to humanity, before he triumphs in his accusation. I am sorry for its suppression. When I consider the animals who are in office around us, the act does not surprise me; but I confess, even from them, the manner did, and the time chosen did, most sensibly. I did not expect it, on the very hour when the news of universal peace was first promulgated, and on the anniversary of the only British monarch's birth, who ever gave a boon to this distracted country.

You will excuse this digression, rendered in some degree necessary. I shall now confine myself exclusively to your resolution, which determines on the immediate presentation of your petition, and censures the neglect of any discussion on it by your advocates during the last session of parliament. You have a right to demand most fully the reasons of any man who dissents from Mr. Grattan. I will give you mine explicitly. But I shall first state the reasons which he has given for the postponement of your question. I shall do so out of respect to him, if indeed it can be called respect to quote those sentiments, which on their very mention must excite your ridicule. Mr. Grattan presented your petition, and, on moving that it should lie where so many preceding ones have lain, namely, on the table, he declared it to be his intention to move for no discussion. Here, in the first place, I think Mr. Grattan wrong; he got that petition, if not on the express, at least on

the implied condition of having it immediately discussed. There was not a man at the aggregate meeting at which it was adopted, who did not expect a discussion on the very first opportunity. Mr. Grattan, however, was angry at "suggestions." I do not think Mr. Grattan, of all men, had any right to be so angry at receiving that which every English member was willing to receive, and was actually receiving from any English corn-factor. Mr. Grattan was also angry at our "violence." Neither do I think he had any occasion to be so squeamish at what he calls our violence.

There was a day, when Mr. Grattan would not have spurned our suggestions, and there was also a day when he was fifty-fold more intemperate than any of his oppressed countrymen, whom he now holds up to the English people as so unconstitutionally violent. A pretty way, forsooth, for your advocate to commence conciliating a foreign auditory in favor of your petition. Mr. Grattan, however, has fulfilled his own prophecy, that "an oak of the forest is too old to be transplanted at fifty," and our fears that an Irish native would soon lose its raciness in an English atmosphere. "It is not my intention," says he, "to move for a discussion at present." Why? "Great obstacles have been removed." That's his first reason. "I am, however," says he, "still ardent." Ardent! Why it strikes me to be a very novel kind of ardor, which toils till it has removed every impediment, and then pauses at the prospect of its victory! "And I am of opinion," he continues, "that any immediate discussion would be the height of precipitation:" that is, after having removed the impediments, he pauses in his path, declaring he is "ardent:" and after centuries of suffering, when you press for a discussion, he protests that he considers you monstrously precipitate!

Now is not that a fair translation? Why, really, if we did not know Mr. Grattan, we should be almost tempted to think that he was quoting from the ministry. With the exception of one or two plain, downright, sturdy, unblushing bigots, who opposed you because you were Christians, and declared they did so, this was the cant of every man who affected liberality. "Oh, I declare," they say, "they may not be cannibals, though they are Catholics; and I would be very glad to vote

for them, but this is no time." "Oh no," says Bragge Bathurst, "it's no time. What! in time of war! Why it looks like bullying us!" Very well: next comes the peace, and what say our friends the opposition? "Oh! I declare peace is no time, it looks so like persuading us." For my part, serious as the subject is, it affects me with the very same ridicule with which I see I have so unconsciously affected you. I will tell you a story of which it reminds me. It is told of the celebrated Charles Fox. Far be it from me, however, to mention that name with levity. As he was a great man, I revere him; as he was a good man, I love him. He had as wise a head as ever paused to deliberate; he had as sweet a tongue as ever gave the words of wisdom utterance; and he had a heart so stamped with the immediate impress of the Divinity, that its very errors might be traced to the excess of its benevolence. I had almost forgot the story. Fox was a man of genius—of course he was poor. Poverty is a reproach to no man; to such a man as Fox, I think it was a pride: for if he chose to traffic with his principles; if he chose to gamble with his conscience, how easily might he have been rich? I guessed your answer.

It would be hard, indeed, if you did not believe that in England talents might find a purchaser, who have seen in Ireland how easily a blockhead may swindle himself into preferment. Juvenal says the greatest misfortune attendant on poverty is ridicule. Fox found out a greater—*debt*. The Jews called on him for payment. "Ah, my dear friends," says Fox, "I admit the principle; I owe you money, but what time is this, when I am going upon *business*." Just so our friends admit the principle; they owe you emancipation, but war's no *time*. Well, the Jews departed just as you did. They returned to the charge; "What! (cries Fox,) is this a *time*, when I am engaged on an appointment?" What! say our friends, is this a *time* when all the world's at peace? The Jews departed; but the end of it was, Fox, with his secretary, Mr. Hare, who was as much in debt as he was, shut themselves up in garrison. The Jews used to surround his habitation at daylight, and poor Fox regularly put his head out of the window, with this question, "Gentlemen, are you *Fox*-hunting or *Hare*-hunting

this morning?" His pleasantry mitigated the very Jews. "Well, well, Fox, now you have always admitted the principle, but protested against the *time*—we will give you your own *time*, only just fix some final day for our re-payment."—"Ah, my dear Moses," replies Fox, "now this is friendly. I will take you at your word; I will fix a day, and as it's to be a *final* day, what would you think of the day of *judgment?*"—"That will be too busy a day with us."—"Well, well, in order to accommodate all parties, let us settle *the day after*."

Thus it is, between the war inexpediency of Bragge Bathurst, and the peace inexpediency of Mr. Grattan, you may expect your Emancipation Bill pretty much about the time that Fox settled for the payment of his creditors. Mr. Grattan, however, though he scorned to take your suggestions, took the suggestions of your *friends*. "I have consulted," says he, "my right honorable friends!" Oh, all friends, all right honorable! Now this it is to trust the interest of a people into the hands of a party. You must know, in parliamentary parlance, these right honorable friends mean a party. There are few men so contemptible, as not to have a party. The minister has his party. The opposition have their party. The *saints*, for there are saints in the House of Commons, *lucus a non lucendo*, the saints have their party. Every one has his party. I had forgotten—Ireland has no party. Such are the reasons, if reasons they can be called, which Mr. Grattan has given for the postponement of your question; and I sincerely say, if they had come from any other man, I would not have condescended to have given them an answer. He is indeed reported to have said that he has others in reserve, which he did not think it necessary to detail. If those which he reserved were like those he delivered, I do not dispute the prudence of keeping them to himself; but as we have not the gift of prophecy, it is not easy for us to answer them, until he shall deign to give them to his constituents.

Having dealt thus freely with the alleged reasons for the postponement, it is quite natural that you should require what my reasons are for urging the discussion. I shall give them candidly. They are at once so simple and explicit, it is quite impossible that the meanest capacity amongst you should not

comprehend them. I would urge the instant discussion, because discussion has always been of use to you; because, upon every discussion you have gained converts out of doors; and because, upon every discussion within the doors of parliament, your enemies have diminished, and your friends have increased. Now, is not that a strong reason for continuing your discussions? This may be assertion. Aye, but I will prove it. In order to convince you of the argument as referring to the country, I need but point to the state of the public mind now upon the subject, and that which existed in the memory of the youngest. I myself remember the blackest and the basest universal denunciations against your creed, and the vilest anathemas against any man who would grant you an iota. *Now*, every man affects to be liberal, and the only question with some, is the *time* of the concession; with others, the extent of the concessions; with many, the nature of the securities you should afford; whilst a great multitude, in which I am proud to class myself, think that your Emancipation should be immediate, universal, and unrestricted. Such has been the progress of the human mind *out of doors*, in consequence of the powerful eloquence, argument, and policy elicited by those discussions which your friends now have, for the first time, found out to be precipitate.

Now let us see what has been the effect produced *within the doors* of parliament. For twenty years you were silent, and of course you were neglected. The consequence was most natural. Why should parliament grant privileges to men who did not think those privileges worth the solicitation? Then rose your agitators, as they are called by those bigots who are trembling at the effect of their arguments on the community, and who, as a matter of course, take every opportunity of calumniating them. Ever since that period your cause has been advancing. Take the numerical proportions in the House of Commons on each subsequent discussion. In 1805, the first time it was brought forward in the Imperial legislature, and it was then aided by the powerful eloquence of Fox, there was a majority against even taking your claims into consideration, of no less a number than 212. It was an appalling omen. In 1808, however, on the next discussion, that majority was di-

minished to 163. In 1810 it decreased to 104. In 1811 it dwindled to 64, and at length, in 1812, on the motion of Mr. Canning—and it is not a little remarkable that the first successful exertion in your favor was made by an English member—your enemies fled the field, and you had the triumphant majority to support you, of 129! Now, is this not demonstration?

What becomes now of those who say discussion has not been of use to you: but I need not have resorted to arithmetical calculation. Men become ashamed of combating with axioms. Truth is omnipotent, and must prevail; it forces its way with the fire and the precision of the morning sunbeam. Vapors may impede the infancy of its progress; but the very resistance that would check only condenses and concentrates it, until at length it goes forth in the fullness of its meridian, all life and light and lustre, the minutest objects visible in its refulgence. You lived for centuries on the vegetable diet and eloquent silence of this Pythagorean policy; and the consequence was, when you thought yourselves mightily dignified, and mightily interesting, the whole world was laughing at your philosophy and sending its aliens to take possession of your birthright. I have given you a good reason for urging your discussion, by having shown you that discussion has always gained you proselytes.

But is it the time? says Mr. Grattan. Yes, sir, it is the time, peculiarly the time, unless indeed the great question of Irish liberty is to be reserved as a weapon in the hands of a party to wield against the weakness of the British minister. But why should I delude you, talking about time! Oh! there will never be a time with BIGOTRY! She has no head, and cannot think; she has no heart, and cannot feel; when she moves, it is in wrath; when she pauses, it is amid ruin; her prayers are curses, her communion is death, her vengeance is eternity, her decalogue is written in the blood of her victims; and if she stoops for a moment from her infernal flight, it is upon some kindred rock to whet her vulture fang for keener rapine, and replume her wing for a more sanguinary desolation! I appeal from this infernal, grave-stalled fury, I appeal to the good sense, to the policy, to the gratitude of England;

and make my appeal peculiarly at this moment, when all the illustrious potentates of Europe are assembled together in the British capital, to hold the great festival of universal peace and universal emancipation.

Perhaps when France, flushed with success, fired by ambition, and infuriated by enmity; her avowed aim an universal conquest, her means the confederated resources of the Continent, her guide the greatest military genius a nation fertile in prodigies has produced—a man who seemed born to invert what had been regular, to defile what had been venerable, to crush what had been established, and to create, as if by a magic impulse, a fairy world, peopled by the paupers he had commanded into kings, and based by the thrones he had crumbled in his caprices—perhaps when such a power, so led, so organized, and so incited, was in its noon of triumph, the timid might tremble even at the charge that would save, or the concession that would strengthen—But now,—her allies faithless, her conquests despoiled, her territory dismembered, her legions defeated, her leader dethroned, and her reigning prince our ally by treaty, our debtor by gratitude, and our inalienable friend by every solemn obligation of civilized society,—the objection is our strength, and the obstacle our battlement. Perhaps when the Pope was in the power of our enemy, however slender the pretext, bigotry might have rested on it. The inference was false as to Ireland, and it was ungenerous as to Rome.

The Irish Catholic, firm in his faith, bows to the Pontiff's spiritual supremacy, but he would spurn the Pontiff's temporal interference. If, with the spirit of an earthly domination, he were to issue to-morrow his despotic mandate, Catholic Ireland with one voice would answer him: "Sire, we bow with reverence to your spiritual mission; the descendant of Saint Peter, we freely acknowledge you the head of our Church, and the organ of our creed; but, Sire, if we have a Church, we cannot forget that we also have a country; and when you attempt to convert your mitre into a crown, and your crozier into a sceptre, you degrade the majesty of your high delegation, and grossly miscalculate upon our acquiescence. No foreign power shall regulate the allegiance which we owe to

our sovereign; it was the fault of our fathers that one Pope forged our fetters; it will be our own, if we allow them to be riveted by another." Such would be the answer of universal Ireland; such was her answer to the audacious menial, who dared to dictate her unconditional submission to an act of parliament which emancipated by penalties, and redressed by insult. But, sir, it never would have entered into the contemplation of the Pope to have assumed such an authority. His character was a sufficient shield against the imputation, and his policy must have taught him, that, in grasping at the shadow of a temporal power, he would but risk the reality of of his ecclesiastical supremacy.

Thus was parliament doubly guarded against a foreign usurpation. The people upon whom it was to act deprecate its authority, and the power to which it was imputed abhors its ambition; the Pope would not exert it if he could, and the people would not obey it if he did. Just precisely upon the same foundation rested the aspersions which were cast upon your creed. How did experience justify them? Did Lord Wellington find that religious faith made any difference amid the thunder of the battle? Did the Spanish soldier desert his colors because his General believed not in the real presence? Did the brave Portuguese neglect his orders to negotiate about mysteries? Or what comparison did the hero draw between the policy of England and the piety of Spain, when at one moment he led the heterodox legions to victory, and the very next was obliged to fly from his own native flag, waving defiance on the walls of Burgos, where the Irish exile planted and sustained it? What must he have felt when in a foreign land he was obliged to command brother against brother, to raise the sword of blood, and drown the cries of nature with the artillery of death? What were the sensations of our hapless exiles, when they recognized the features of their long-lost country? when they heard the accents of the tongue they loved, or caught the cadence of the simple melody which once lulled them to sleep within a mother's arms, and cheered the darling circle they must behold no more?

Alas, how the poor banished heart delights in the memory that song associates! He heard it in happier days, when the

parents he adored, the maid he loved, the friends of his soul, and the green fields of his infancy were round him; when his labors were illumined with the sunshine of the heart, and his humble hut was a palace—for it was home. His soul is full, his eye suffused, he bends from the battlements to catch the cadence, when his death-shot, sped by a brother's hand, lays him in his grave—the victim of a code calling itself Christian!

Who shall say, heart-rending as it is, this picture is from fancy? Has it not occurred in Spain? May it not, at this instant, be acting in America? Is there any country in the universe in which these brave exiles of a barbarous bigotry are not to be found refuting the calumnies that banished and rewarding the hospitality that received them? Yet England, enlightened England, who sees them in every field of the old world and the new, defending the various flags of every faith, supports the injustice of her exclusive constitution, by branding upon them the ungenerous accusation of an exclusive creed! England, the ally of Catholic Portugal, the ally of Catholic Spain, the ally of Catholic France, the friend of the Pope! England, who seated a Catholic bigot in Madrid! who convoyed a Catholic Braganza to the Brazils! who enthroned a Catholic Bourbon in Paris! who guaranteed a Catholic establishment in Canada! who gave a constitution to Catholic Hanover! England, who searches the globe for Catholic grievances to redress, and Catholic Princes to restore, will not trust the Catholic at home, who spends his blood and treasure in her service! Is this generous? Is this consistent? Is it just? Is it even politic? Is it the act of a wise country to fetter the energies of an entire population? Is it the act of a Christian country to do it in the name of God? Is it politic in a government to degrade part of the body by which it is supported, or pious to make Providence a party to their degradation? There are societies in England for discountenancing vice; there are Christian associations for distributing the Bible; there are voluntary missions for converting the heathen; but Ireland, the seat of their government, the stay of their empire, their associate by all the ties of nature and of interest, how has she benefited by the gospel of which they boast? Has the sweet

spirit of Christianity appeared on our plains in the character of her precepts, breathing the air and robed in the beauties of the world to which she would lead us; with no argument but love, no look but peace, no wealth but piety; her creed comprehensive as the arch of heaven, and her charities bounded but by the circle of creation? Or, has she been let loose amongst us, in form of fury, and in act of demon, her heart festered with the fires of hell, her hands clotted with the gore of earth, withering alike in her repose and in her progress, her path apparent by the print of blood, and her pause denoted by the expanse of desolation? Gospel of Heaven! is this thy heraldry? God of the universe! is this thy handmaid? Christian of the ascendency! how would you answer the disbelieving infidel, if he asked you, should he estimate the Christian doctrine by the Christian practice; if he dwelt upon those periods when the human victim writhed upon the altar of the peaceful Jesus, and the cross, crimsoned with his blood, became little better than a stake to the sacrifice of his votaries; if he pointed to Ireland, where the word of peace was the war-whoop of destruction; where the son was bribed against the father, and the plunder of the parent's property was made a bounty on the recantation of the parent's creed; where the march of the human mind was stayed in his name who had inspired it with reason, and any effort to liberate a fellow-creature from his intellectual bondage was sure to be recompensed by the dungeon or the scaffold; where ignorance was so long a legislative command, and piety legislative crime; where religion was placed as a barrier between the sexes, and the intercourse of nature was pronounced felony by law; where God's worship was an act of stealth, and his ministers sought amongst the savages of the woods that sanctuary which a nominal civilization had denied them; where at this instant conscience is made to blast every hope of genius, and every energy of ambition; and the Catholic who would rise to any station of trust, must, in the face of his country, deny the faith of his fathers; where the preferments of earth are only to be obtained by the forfeiture of Heaven?

"Unprized are her sons till they learn to betray,
Undistinguish'd they live if they shame not their sires;

> And the torch that would light them to dignity's way,
> Must be caught from the pile where their country expires!"

How, let me ask, how would the Christian zealot droop beneath this catalogue of Christian qualifications? But, thus it is, when sectarians differ on account of mysteries: in the heat and acrimony of the causeless contest, religion, the glory of one world, and the guide of another, drifts from the splendid circle in which she shone, in the comet-maze of uncertainty and error. The code, against which you petition, is a vile compound of impiety and impolicy: impiety, because it debases in the name of God: impolicy, because it disqualifies under pretence of government. If we are to argue from the services of Protestant Ireland, to the losses sustained by the bondage of Catholic Ireland, and I do not see why we should not, the state which continues such a system is guilty of little less than a political suicide.

It matters little where the Protestant Irishman has been employed; whether with Burke, wielding the senate with his eloquence; with Castlereagh, guiding the cabinet with his counsels; with Barry, enriching the arts by his pencil; with Swift, adorning literature by his genius; with Goldsmith or with Moore, softening the heart by their melody; or with Wellington, chaining victory at his car, he may boldy challenge the competition of the world. Oppressed and impoverished as our country is, every muse has cheered, every art adorned, and every conquest crowned her. Plundered, she was not poor, for her character enriched; attainted, she was not titleless, for her services ennobled; literally outlawed into eminence, and fettered into fame, the fields of her exile were immortalized by her deeds, and the links of her chain became decorated by her laurels. Is this fancy, or is it fact? Is there a department in the state in which Irish genius does not possess a predominance? Is there a conquest which it does not achieve, or a dignity which it does not adorn? At this instant, is there a country in the world to which England has not deputed an Irishman as her representative? She has sent Lord Moira to India, Sir Gore Ousely to Ispahan, Lord Stuart to Vienna, Lord Castlereagh to Congress, Sir Henry Wellesly to Madrid, Mr. Canning to Lisbon, Lord Strangford to the Brazils,

Lord Clancarty to Holland, Lord Wellington to Paris—all Irishmen! Whether it results from accident or from merit, can there be a more cutting sarcasm on the policy of England! Is it not directly saying to her, "here is a country from one fifth of whose people you depute the agents of your most august delegations, the remaining four fifths of which, by your odious bigotry, you incapacitate from any station of office or of trust!" It is adding all that is weak in impolicy to all that is wicked in ingratitude. What is her apology? Will she pretend that the Deity imitates her injustice, and incapacitates the intellect as she has done the creed? After making Providence a pretence for her code, will she also make it a party to her crime, and arraign the universal spirit of partiality in his dispensations? Is she not content with Him as a Protestant God, unless He also consents to become a Catholic demon? But, if the charge were true; if the Irish Catholic were imbruted and debased, Ireland's conviction would be England's crime, and your answer to the bigot's charge should be the bigot's conduct. What, then! is this the result of six centuries of your government? Is this the connection which you called a benefit to Ireland? Have your protecting laws so debased them, that the very privilege of reason is worthless in their possession? Shame! oh, shame! to the government where the people are barbarous? The day is not distant when they made the education of a Catholic a crime; and yet they arraign the Catholic for ignorance! The day is not distant when they proclaimed the celebration of the Catholic worship a felony, and yet they complain that the Catholic is not moral! What folly! Is it to be expected that the people are to emerge in a moment from the stupor of a protracted degradation?

There is not perhaps to be traced upon the map of national misfortune, a spot so truly and so tediously deplorable as Ireland. Other lands, no doubt, have had their calamities. To the horrors of revolution, the miseries of despotism, the scourges of anarchy, they have in their turns been subject. But it has been only in their turns; the visitations of woe, though severe, have not been eternal; the hour of probation, or of punishment, has passed away; and the tempest, after

having emptied the vial of its wrath, has given place to the serenity of the calm and of the sunshine. Has this been the case with respect to our miserable country? Is there, save in the visionary world of tradition—is there in the progress, either of record or recollection, one verdant spot in the desert of our annals, where patriotism can find repose, or philanthropy refreshment? Oh, indeed, posterity will pause with wonder on the melancholy page which shall portray the story of the people amongst whom the policy of man has waged an eternal warfare with the providence of God, blighting into deformity all that was beauteous, and into famine all that was abundant. I repeat, however, the charge to be false. The Catholic mind in Ireland has made advances scarcely to be hoped in the short interval of its partial emancipation. But what encouragement has the Catholic parent to educate his offspring? Suppose he sends his son, the hope of his pride, and the wealth of his heart, into the army; the child justifies his parental anticipation; he is moral in his habits, he is strict in his discipline, he is daring in the field, and temperate at the board, and patient in the camp; the first in the charge, and the last in the retreat; with a hand to achieve, and a head to guide, and temper to conciliate; he combines the skill of Wellington with the clemency of Cæsar and the courage of Turenne—yet he can never rise—he is a Catholic! Take another instance. Suppose him at the bar He has spent his nights at the lamp, and his days in the forum; the rose has withered from his cheek mid the drudgery of form; the spirit has fainted in his heart mid the analysis of crime; he has foregone the pleasures of his youth and the associates of his heart, and all the fairy enchantments in which fancy may have wrapped him. Alas! for what? Though genius flashed from his eye, and eloquence rolled from his lips; though he spoke with the tongue of Tully, and argued with the learning of Coke, and thought with the purity of Fletcher, he can never rise—he is a Catholic! Merciful God! what a state of society is this, in which thy worship is interposed as a disqualification upon thy Providence! Behold, in a word, the effects of the code against which you petition; it disheartens exertion, it disqualifies merit, it debilitates the state, it degrades the Godhead, it disobey

Christianity, it makes religion an article of traffic, and its founder a monopoly; and for ages it has reduced a country, blessed with every beauty of nature, and every bounty of Providence, to a state unparalleled under any constitution professing to be free, or any government pretending to be civilized. To justify this enormity, there is now no argument. Now is the time to concede with dignity that which was never denied without injustice. Who can tell how soon we may require all the zeal of our united population to secure our very existence? Who can argue upon the continuance of this calm? Have we not seen the labor of ages overthrown, and the whim of a day erected on its ruins; establishments the most solid, withering at a word, and visions the most whimsical realized at a wish? Crowns crumbled, discords confederated, Kings become vagabonds, and vagabonds made Kings at the capricious frenzy of a village adventurer? Have we not seen the whole political and moral world shaking as with an earthquake, and shapes the most fantastic and formidable and frightful, heaved into life by the quiverings of the convulsion? The storm has passed over us; England has survived it; if she is wise, her present prosperity will be but the handmaid to her justice; if she is pious, the peril she has escaped will be but the herald of her expiation. Thus much have I said in the way of argument to the enemies of your question. Let me offer an humble opinion to its friends. The first and almost the sole request which an advocate would make to you is, to remain united; rely on it, a divided assault can never overcome a consolidated resistance. I allow that an educated aristocracy are as a head to the people, without which they cannot think: but then the people are as hands to the aristocracy, without which it cannot act. Concede, then, a little to even each other's prejudices; recollect that individual sacrifice is universal strength; and can there be a nobler altar than the altar of your country? This same spirit of conciliation should be extended even to your enemies. If England will not consider that a brow of suspicion is but a bad accompaniment to an act of grace; if she will not allow that kindness may make those friends whom even oppression could not make foes; if she will not confess that the best security she can have from Ireland is by giving Ireland an inter-

est in her constitution; still, since her power is the shield of her prejudices, you should concede where you cannot conquer; it is wisdom to yield, when it has become hopeless to combat.

There is but one concession which I would never advise, and which, were I a Catholic, I would never make. You will perceive that I allude to any interference with your clergy. That was the crime of Mr. Grattan's security bill. It made the patronage of your religion the ransom for your liberties, and bought the favor of the Crown by the surrender of the church. It is a vicious principle; it is the cause of all your sorrows. If there had not been a state establishment, there would not have been a Catholic bondage. By that incestuous conspiracy between the altar and the throne, infidelity has achieved a more extended dominion than by all the sophisms of her philosophy or all the terrors of her persecution. It makes God's apostle a court appendage, and God himself a court purveyor; it carves the cross into a chair of state, where, with grace on his brow, and gold in his hand, the little perishable puppet of this world's vanity makes Omnipotence a menial to its power, and Eternity a pander to its profits. Be not a party to it. As you have spurned the temporal interference of the Pope, resist the spiritual jurisdiction of the crown. As I do not think that you, on the one hand, could surrender the patronage of your religion to the King without the most unconscientious compromise, so, on the other hand, I do not think the King could ever conscientiously receive it. Suppose he receives it; if he exercises it for the advantage of your church, he directly violates the coronation oath, which binds him to the exclusive interest of the Church of England; and if he does not intend to exercise it for your advantage, to what purpose does he require from you its surrender? But what pretence has England for this interference with your religion? It was the religion of her most glorious era; it was the religion of her most ennobled patriots; it was the religion of the wisdom that framed her constitution; it was the religion of the valor that achieved it; it would have been to this day the religion of her empire, had it not been for the lawless lust of a murderous adulterer. What right has she to suspect your church? When her thousand sects were brandishing the fragments of their faith against each other,

and Christ saw his garment without a seam, a piece of patchwork for every mountebank who figured in the pantomime; when her Babel temple rocked at every breath of her Priestleys and her Paynes, Ireland, proof against the menace of her power, was proof also against the perilous impiety of her example. But if as Catholics you should guard it, the palladium of your creed, not less as Irishmen should you prize it, the relic of your country. Deluge after deluge has desolated her provinces. The monuments of art which escaped the barbarism of one invader, fell beneath the still more savage civilization of another. Alone, amid the solitude, your temple stood like some majestic monument amid the desert of antiquity, just in its proportions, sublime in its associations, rich in the virtue of its saints, cemented by the blood of its martyrs, pouring forth for ages the unbroken series of its venerable hierarchy, and only the more magnificent from the ruins by which it was surrounded. Oh! do not for any temporal boon betray the great principles which are to purchase you an eternity! Here, from your very sanctuary,—here, with my hand on the endangered altars of your faith, in the name of that God, for the freedom of whose worship we are so nobly struggling—I conjure you, let no unholy hand profane the sacred ark of your religion; preserve it inviolate; its light is "light from heaven;" follow it through all the perils of your journey; and, like the fiery pillar of the captive Israel, it will cheer the desert of your bondage, and guide to the land of your liberation!

SELECT SPEECHES OF EDMUND BURKE.

ELECTION SPEECH AT BRISTOL,

October 13, 1774.

Gentlemen,—I am come hither to solicit in person that favor which my friends have hitherto endeavored to procure for me, by the most obliging, and to me the most honorable exertions.

I have so high an opinion of the great trust which you have to confer on this occasion; and, by long experience, so just a diffidence in my abilities to fill it in a manner adequate even to my own ideas, that I should never have ventured of myself to intrude into that awful situation. But since I am called upon by the desire of several respectable fellow-subjects, as I have done at other times, I give up my fears to their wishes. Whatever my other deficiencies may be, I do not know what it is to be wanting to my friends.

I am not fond of attempting to raise public expectations by great promises. At this time, there is much cause to consider, and very little to presume. We seem to be approaching to a great crisis in our affairs, which calls for the whole wisdom of the wisest among us, without being able to assure ourselves, that any wisdom can preserve us from many and great inconveniences. You know I speak of our unhappy contest with America. I confess, it is a matter on which I look down as from a precipice. It is difficult in itself, and it is rendered more intricate by a great variety of plans of conduct. I do not mean to enter into them. I will not suspect a want of good intention in framing them. But however pure the intentions of their authors may have been, we all know that the event has been unfortunate. The means of recovering our



EDMUND BURKE.

affairs are not obvious. So many great questions of commerce, of finance, of constitution, and of policy, are involved in this American deliberation, that I dare engage for nothing, but that I shall give it, without any predilection to former opinions, or any sinister bias whatsoever, the most honest and impartial consideration of which I am capable. The public has a full right to it; and this great city, a main pillar in the commercial interest of Great Britain, must totter on its base by the slightest mistake with regard to our American measures.

Thus much, however, I think it not amiss to lay before you; that I am not, I hope, apt to take up or lay down my opinions lightly. I have held, and ever shall maintain, to the best of my power, unimpaired and undiminished, the just, wise, and necessary constitutional superiority of Great Britain. This is necessary for America as well as for us. I never mean to depart from it. Whatever may be lost by it, I avow it. The forfeiture even of your favor, if by such a declaration I could forfeit it, though the first object of my ambition, never will make me disguise my sentiments on this subject.

But—I have ever had a clear opinion, and have ever held a constant correspondent conduct, that this superiority is consistent with all the liberties a sober and spirited American ought to desire. I never mean to put any colonist, or any human creature, in a situation not becoming a free man. To reconcile British superiority with American liberty shall be my great object, as far as my little faculties extend. I am far from thinking that both, even yet, may not be preserved.

When I first devoted myself to the public service, I considered how I should render myself fit for it; and this I did by endeavoring to discover what it was that gave this country the rank it holds in the world. I found that our prosperity and dignity arose principally, if not solely, from two sources—our constitution and commerce. Both these I have spared no study to understand, and no endeavor to support.

The distinguishing part of our constitution is its liberty. To preserve that liberty inviolate, seems the particular duty and proper trust of a member of the House of Commons. But the liberty, the only liberty I mean, is a liberty connected

with order; that not only exists along with order and virtue, but which cannot exist at all without them. It inheres in good and steady government, as in its substance and vital principle.

The other source of our power is commerce, of which you are so large a part, and which cannot exist, no more than your liberty, without a connexion with many virtues. It has ever been a very particular and a very favorite object of my study, in its principles, and in its details. I think many here are acquainted with the truth of what I say. This I know, that I have ever had my house open, and my poor services ready, for traders and manufacturers of every denomination. My favorite ambition is to have those services acknowledged. I now appear before you to make trial, whether my earnest endeavors have been so wholly oppressed by the weakness of my abilities, as to be rendered insignificant in the eyes of a great trading city; or whether you choose to give a weight to humble abilities, for the sake of the honest exertions with which they are accompanied. This is my trial to-day. My industry is not on trial. Of my industry I am sure, as far as my constitution of mind and body admitted.

When I was invited by many respectable merchants, freeholders, and freemen of this city, to offer them my services, I had just received the honor of an election at another place, at a very great distance from this. I immediately opened the matter to those of my worthy constituents who were with me, and they unanimously advised me not to decline it. They told me, that they had elected me with a view to the public service; and as great questions relative to our commerce and colonies were imminent, that in such matters I might derive authority and support from the representation of this great commercial city; they desired me therefore to set off without delay, very well persuaded that I never could forget my obligations to them, or to my friends, for the choice they had made of me. From that time to this instant I have not slept; and if I should have the honor of being freely chosen by you, I hope I shall be as far from slumbering or sleeping when your service requires me to be awake, as I have been in coming to offer myself a candidate for your favor.

CONCILIATION WITH THE AMERICAN COLONIES.

I HOPE, sir, that, notwithstanding the austerity of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House.* I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of

* The Act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concentre my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted,—that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, a heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation; a situation which I will not miscall; which I dare not name; which I scarcely know how to comprehend in the terms of any description.

* * * * * * * *

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede;

and secondly, what your concession ought to be. On the first of these questions we have gained some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because, after all our struggle, whether we will or not, we must govern America according to that nature, and to those circumstances, and not according to our own imagination; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances, in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation, because, sir, this consideration will make it evident to a blunter discernment than

yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce, indeed, has been trod some days ago, and with great ability, by a distinguished person,* at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain,—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

[Then, after reviewing our commercial relations with America, Mr. Burke proceeded:]

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse.

* Mr. Glover.

It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference,—that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods; and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning, weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough, *acta parentum jam legere, et quæ sit poterit cognoscere virtus*—suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of most fortunate men of his age, had opened to him in vision, that when, in the fourth generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one—if amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England,

the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him—"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by a succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!



RICHARD BRINSLEY SHERIDAN.

RICHARD B. SHERIDAN.

SPEECH IN THE HOUSE OF COMMONS, IN OPPOSITION TO PITT'S FIRST INCOME TAX.

A WISE man, sir, it is said, should doubt of everything. It was this maxim, probably, that dictated the amiable diffidence of the learned gentleman,* who addressed himself to the chair in these remarkable words; "I rise, Mr. Speaker, if I have risen." Now, to remove all doubts, I can assure the learned gentleman† that he actually did rise; and not only rose, but pronounced an able, long, and elaborate discourse, a considerable portion of which was employed in an erudite dissertation on the histories of Rome and Carthage. He further informed the House, upon the authority of Scipio, that we could never conquer the enemy until we were first conquered ourselves. It was when Hannibal was at the gates of Rome, that Scipio had thought the proper moment for the invasion of Carthage, —what a pity it is that the learned gentleman does not go with this consolation and the authority of Scipio to the lord mayor and aldermen of the city of London! Let him say, "Rejoice, my friends! Bonaparte is encamped at Blackheath! What happy tidings!" For here Scipio tells us, you may every moment expect to hear of Lord Hawkesbury making his triumphal entry into Paris.‡ It would be whimsical to observe how they would receive such joyful news. I should like to see such faces as they would make on that occasion. Though I doubt not of the erudition of the learned gentleman,

* Dr. Lawrence.

† Mr. Perceval, afterwards Chancellor of the Exchequer, and, in 1809, Prime Minister. He was assassinated in the lobby of the House of Commons, May 11, 1812, by a man named Bellingham.

‡ Alludes to a boast of his lordship, at an early period of the war against France.

he seems to me to have somehow confounded the stories of Hanno and Hannibal, of Scipio and the Romans. He told us that Carthage was lost by the parsimony or envy of Hanno, in preventing the necessary supplies for the war being sent to Hannibal; but he neglected to go a little further, and to relate that Hanno accused the latter of having been ambitious—

"Juvenem furentem cupidine regni;"

and assured the senate that Hannibal, though at the gates of Rome, was no less dangerous to Hanno. Be this, however, as it may, is there any Hanno in the British senate? If there is, nothing can be more certain than that all the efforts and remonstrances of the British Hanno could not prevent a single man, or a single guinea, being sent for the supply of any Hannibal our ministers might choose. The learned gentleman added, after the defeat of Hannibal, Hanno laughed at the senate; but he did not tell us what he laughed at. The advice of Hannibal has all the appearance of being a good one:

"Carthaginis mœnia Romæ munerata."

If they did not follow his advice, they had themselves to blame for it.

From the strain of declamation in which the learned gentleman launched out, it seems as if he came to this House as executor to a man whose genius was scarcely equalled by the eccentricities he sometimes indulged. He appears to come as executor, and in the House of Commons, to administer to Mr. Burke's fury without any of his fire. It is, however, in vain for him to attempt any imitation of those declamatory harangues and writings of the transcendent author, which, towards the latter part of his life, were, as I think, unfortunately too much applauded. When not embellished with those ornaments which Mr. Burke was so capable of adding to all he either spoke or wrote, the subject of such declamations could only claim the admiration of a school-boy. The circumstance of a great, extensive and victorious republic, breathing nothing but war in the long exercise of its most successful operations, surrounded with triumphs, and panting for fresh laurels, to be

compared, much less represented as inferior, to the military power of England, is childish and ridiculous. What similitude is there between us and the great Roman republic in the height of its fame and glory? Did you, sir, ever hear it stated, that the Roman bulwark was a naval force? And if not, what comparison can there be drawn between their efforts and power? This kind of rhodomontade declamation is finely described in the language of one of the Roman poets—

"I, demens, curre per Alpes,
Ut pueris placeas, et DECLAMATIO fias."
JUVENAL, Sat. x., 166.

Go, fight, to please school-boy statesmen, and furnish a DECLAMATION for a Doctor, learned in the law.

The proper ground, sir, upon which this bill should be opposed, I conceive to be neither the uncertainty of the criterion, nor the injustice of the retrospect, though they would be sufficient. The tax itself will be found to defeat its own purposes. The amount which an individual paid to the assessed taxes last year can be no rule for what he shall pay in future. All the articles by which the gradations rose must be laid aside, and never resumed again. Circumstanced as the country is, there can be no hope, no chance whatever, that, if the tax succeeds, it ever will be repealed. Each individual, therefore, instead of putting down this article or that, will make a final and general retrenchment; so that the minister cannot get at him in the same way again, by any outward sign which might be used as a criterion of his wealth. These retrenchments cannot fail of depriving thousands of their bread; and it is vain to hold out the delusion of modification or indemnity to the lower orders. Every burthen imposed upon the rich in the articles which give the poor employment, affects them not the less for affecting them circuitously. A coachmaker, for instance, would willingly compromise with the minister, to give him a hundred guineas not to lay the tax upon coaches; for though the hundred guineas would be much more than his proportion of the new tax, yet it would be much better for him to pay the larger contribution, than, by the lay-

ing down of coaches, be deprived of those orders by which he got his bread. The same is the case with watchmakers, which I had lately an opportunity of witnessing, who, by the tax imposed last year, are reduced to a state of ruin, starvation, and misery; yet, in proposing that tax, the minister alleged, that the poor journeymen could not be affected, as the tax would only operate on the gentlemen by whom the watches were worn. It is as much cant, therefore, to say, that by bearing heavily on the rich, we are saving the lower orders, as it is folly to suppose we can come at real income by arbitrary assessment, or by symptoms of opulence. There are three ways of raising large sums of money in a State: First, by voluntary contributions; secondly, by a great addition of new taxes; and thirdly, by forced contributions, which is the worst of all, and which I aver the present plan to be. I am at present so partial to the first mode, that I recommend the further consideration of this measure to be postponed for a month, in order to make an experiment of what might be effected by it. For this purpose let a bill be brought in, authorizing the proper persons to receive voluntary contributions; and I should not care if it were read a third time to-night. I confess, however, that there are many powerful reasons which forbid us to be too sanguine in the success even of this measure. To awaken a spirit in the nation, the example should come from the first authority, and the higher departments of the State. It is, indeed, seriously to be lamented, that whatever may be the burdens or distresses of the people, the government has hitherto never shown a disposition to contribute anything; and this conduct must hold out a poor encouragement to others. Heretofore all the public contributions were made for the benefit and profit of the contributors, in a manner inconceivable to more simple nations. If a native inhabitant of Bengal or China were to be informed, that in the west of Europe there was a small island, which in the course of one hundred years contributed four hundred and fifty millions to the exigencies of the State, and that every individual, on the making of a demand, vied with his neighbor in alacrity to subscribe, he would immediately exclaim, "Magnanimous nation! you must surely be invincible." But far

different would be his sentiments, if informed of the tricks and jobs attending these transactions, where even loyalty was seen cringing for its bonus! If the first example were given from the highest authority, there would at least be some hopes of its being followed by other great men, who received large revenues from the government. I would instance particularly the teller of the exchequer, and another person of high rank, who receive from their offices £13,000 a year more in war than they do in peace. The last noble lord (Lord Grenville) had openly declared for perpetual war, and could not bring his mind to think of anything like a peace with the French. Without meaning any personal disrespect, it was the nature of the human mind to receive a bias from such circumstances. So much was this acknowledged in the rules of this House, that any person receiving a pension or high employment from his Majesty, thereby vacated his seat. It was not, therefore, unreasonable to expect that the noble lord would contribute his proportion, and that a considerable one, to carry on the war, in order to show the world his freedom from such a bias. In respect to a near relative of that noble lord, I mean the noble marquis, (Marquis of Buckingham,) there could be no doubt of his coming forward liberally.

I remember, when I was secretary to the Treasury, the noble marquis sent a letter there, requesting that his office might, in point of fees and emoluments, be put under the same economical regulations as the others. The reason he assigned for it was, "the emoluments were so much greater in time of war than peace, that his conscience would be hurt by feeling that he received them from the distresses of his country." No retrenchment, however, took place in that office. If, therefore, the marquis thought proper to bring the arrears since that time also from his conscience, the public would be at least £40,000 the better for it. By a calculation I have made, which I believe cannot be controverted, it appears, from the vast increase of our burdens during the war, that if peace were to be concluded to-morrow, we should have to provide taxes annually to the amount of £28,000,000. To this is further to be added, the expense of that system, by which Ireland is not governed, but ground, insulted, and oppressed. To find a remedy for all

these incumbrances, the first thing to be done is, to restore the credit of the Bank, which has failed, as well in credit as in honor. Let it no longer, in the minister's hands, remain the slave of political circumstances. It must continue insolvent till the connection is broken off. I remember, in consequence of expressions made use of in this House, upon former discussions, when it was thought the minister would relinquish that unnatural and ruinous alliance, the newspapers sported a good deal with the idea that the House of Commons had forbid the bans between him and the old lady.* Her friends had interfered, it was said, to prevent the union, as it was well known that it was her dower he sought, and not her person nor the charms of her society. The old lady herself, however, when wooed, was quickly won, and nothing could be more indelicate than to observe her soon afterwards ogling her swain, and wantonly courting that violence she at first complained of. In the first instance it might be no more than a case of seduction; but from her subsequent conduct, it became arrant prostitution.

> "I swear I could not see the dear betrayer
> Kneel at my feet, and sigh to be forgiven;
> But my relenting heart would pardon all,
> And quite forget 'twas he that had undone me."

It is, sir, highly offensive to the decency and sense of a commercial people, to observe the juggle between the minister and the Bank. The latter vauntingly boasted itself ready and able to pay; but that the minister kindly prevented, and put a lock and key upon it. There is a liberality in the British nation which always makes allowance for inability of payment. Commerce requires enterprise, and enterprise is subject to losses. But I believe no indulgence was ever shown to a creditor, saying, "I can, but will not pay you." Such was the real condition of the Bank, together with its accounts, when they were laid before the House of Commons; and the chairman† reported from the committee, stating its prosperity, and the great

* "Old lady of Threadneedle Street," is in England a common expression to mean the Bank of England.

† Mr. Bragge was chairman of the Committee, and this gave Sheridan the hint for his punning allusion.

increase of its cash and bullion. The minister, however, took care to very the old saying, "Brag is a good dog, but Hold-fast is better."—"Ah!" said he, "my worthy chairman, this is excellent news, but I will take care to secure it." He kept his word, took the money, gave exchequer bills for it, which were no security, and there was then an end to all our public credit. It is singular enough, sir, that the report upon this bill stated that it was meant to secure our public credit from the avowed intentions of the French to make war upon it. This was done most effectually. Let the French come when they please, they cannot touch our public credit at least. The minister has wisely provided against it, for he has previously destroyed it. The only consolation besides that remains to us, is his assurance that all will return again to its former state at the conclusion of the war. Thus we are to hope, that though the Bank now presents a meagre spectre, as soon as peace is restored the golden bust will make its reappearance. This, however, is far from being the way to inspirit the nation or intimidate the enemy. Ministers have long taught the people of the inferior order, that they can expect nothing from them but by coercion, and nothing from the great but by corruption. The highest encouragement to the French will be to observe the public supineness. Can they have any apprehension of national energy or spirit in a people whose minister is eternally oppressing them?

Though, sir, I have opposed the present tax, I am still conscious that our existing situation requires great sacrifices to be made, and that a foreign enemy must at all events be resisted. I behold in the measures of the minister nothing except the most glaring incapacity, and the most determined hostility to our liberties; but we must be content, if necessary for preserving our independence from foreign attack, to strip to the skin. "It is an established maxim,"owe are told, that men must give up a part for the preservation of the remainder. I do not dispute the justice of the maxim. But this is the constant language of the gentleman opposite to me. We have already given up part after part, nearly till the whole is swallowed up. If I had a pound, and a person asked me for a shilling, to preserve the rest I should willingly comply, and think myself

obliged to him. But if he repeated that demand till he came to my twentieth shilling, I should ask him,—"Where is the remainder? Where is my pound now? Why, my friend, that is no joke at all." Upon the whole, sir, I see no salvation for the country but in the conclusion of a peace, and the removal of the present ministers.

SPEECH OF ROBERT EMMET,

BEFORE RECEIVING SENTENCE OF DEATH.

My Lords,—what have I to say that sentence of death should not be passed on me according to law? I have nothing to say that can alter your predetermination, nor that will become me to say, with any view to the mitigation of that sentence which you are here to pronounce, and I must abide by. But I have that to say, which interests me more than life, and which you have labored (as was necessarily your office in the present circumstances of this oppressed country) to destroy. I have much to say, why my reputation should be rescued from the load of false accusation and calumny which has been heaped upon it. I do not imagine that, seated where you are, your minds can be so free from impurity as to receive the least impression from what I am going to utter. I have no hopes that I can anchor my character in the breast of a Court constituted and trammelled as this is. I only wish, and it is the utmost I expect, that your lordships may suffer it to float down your memories untainted by the foul breath of prejudice, until it finds some more hospitable harbor to shelter it from the storm by which it is at present buffeted.

Were I only to suffer death, after being adjudged guilty by your tribunal, I should bow in silence, and meet the fate that awaits me without a murmur; but the sentence of the law which delivers my body to the executioner, will, through the ministry of that law, labor in its own vindication to consign my character to obloquy; for there must be guilt somewhere, whether in the sentence of the Court or in the catastrophe, posterity must determine. A man in my situation, my lords, has not only to encounter the difficulties of fortune, and the force of power over minds which it has corrupted or subjugated, but the difficulties of established prejudice; the man dies, but

his memory lives. That mine may not perish—that it may live in the respect of my countrymen, I seize upon this opportunity to vindicate myself from some of the charges alleged against me. When my spirit shall be wafted to a more friendly port —when my shade shall have joined the bands of those martyred heroes who have shed their blood on the scaffold and in the field, in defence of their country and of virtue, this is my hope—I wish that my memory and name may animate those who survive me, while I look down with complacency on the destruction of that perfidious government which upholds its domination by the blasphemy of the Most High; which displays its power over man as over the beasts of the forest; which sets man upon his brother, and lifts his hand in the name of God, against the throat of his fellow who believes or doubts a little more than the government standard—a government steeled to barbarity by the cries of the orphans and the tears of the widows which it has made.

[Here Lord Norbury interrupted Mr. Emmet; saying, that the mean and wicked enthusiasts who felt as he did were not equal to the accomplishment of their wild designs.]

I appeal to the Immaculate God. I swear by the throne of Heaven—before which I must shortly appear—by the blood of the murdered patriots who have gone before me, that my conduct has been, through all this peril and through all my purposes, governed only by the convictions which I have uttered, and by no other view than that of their cure, and the emancipation of my country from the superinhuman oppression under which she has so long and too patiently travailed; and I confidently and assuredly hope that wild and chimerical as it may appear, there is still union and strength in Ireland to accomplish this most noble enterprise.

Of this I speak with the confidence of immense knowledge, and with the consolation that appertains to that confidence. Think not, my lords, I say this for the petty gratification of giving you a transitory uneasiness; a man who never yet raised his voice to assert a lie will not hazard his character with posterity by asserting a falsehood on a subject so important to his country, and on an occasion like this. Yes, my

lords, a man who does not wish to have his epitaph written until his country is liberated, will not leave a weapon in the power of envy, nor a pretence to impeach the probity which he means to preserve even in the grave to which tyranny consigns him.

[Here he was again interrupted by the Court.]

Again, I say, what I have spoken was not intended for your lordships, whose situation I commiserate rather than envy—my expressions were for my countrymen; if there is an Irishman present, let my last words cheer him in the hour of affliction.

[Here he was again interrupted. Lord Norbury said he did not sit there to hear treason.]

I have always understood it to be the duty of a judge, when a prisoner has been convicted, to pronounce the sentence of the law; I have also understood the judges sometimes think it their duty to hear with patience, and to speak with humanity, to exhort the victims of the laws, and to offer with tender benignity their opinions of the motives by which he was actuated in the crime of which he was adjudged guilty. That a judge has thought it his duty so to have done, I have no doubt; but where is the boasted freedom of your institutions? Where is the vaunted impartiality, clemency, and mildness of your courts of justice, if an unfortunate prisoner, whom your policy, and not your justice, is about to deliver into the hands of the executioner, is not suffered to explain his motives sincerely and truly, and to vindicate the principles by which he was actuated?

My lords, it may be a part of the system of angry justice to bow a man's mind by humiliation to the proposed ignominy of the scaffold—but worse to me than the proposed shame, or the scaffold's terrors, would be the shame of such foul and unfounded imputations as have been laid against me in this Court. You, my lord, are a judge; I am the supposed culprit; I am a man, you are a man also; by a revolution of power we might change places, though we never could characters. If I stand at the bar of this Court, and dare not vindicate my

character, what a farce is your justice! If I stand at this bar and dare not vindicate my character, how dare you calumniate it? Does the sentence of death, which your unhallowed policy inflicts on my body, also condemn my tongue to silence and my reputation to reproach? Your executioner may abridge the period of my existence, but whilst I exist I shall not forbear to vindicate my character and motives from your aspersions; and as a man, to whom fame is dearer than life, I will make the last use of that life in doing justice to that reputation which is to live after me, and which is the only legacy I can leave to those I honor and love, and for whom I am proud to perish.

As men, my lords, we must appear on the great day at one common tribunal, and it will then remain for the Searcher of all hearts to show a collective universe, who was engaged in the most virtuous actions or attached by the purest motives—by the country's oppressors, or—

[Here he was again interrupted, and told to listen to the sentence of the law.]

My lords, will a dying man be denied the legal privilege of exculpating himself in the eyes of the community of an undeserved reproach thrown upon him during his trial, by charging him with ambition, and attempting to cast away, for a paltry consideration, the liberties of his country? Why did your lordships insult me? or rather, why insult justice in demanding of me why sentence of death should not be pronounced? I know, my lord, that form prescribes that you should ask the question—the form also prescribes the right of answering. This, no doubt, may be dispensed with, and so might the whole ceremony of the trial, since sentence was already pronounced at the Castle before the jury was empanelled. Your lordships are but the priests of the oracle, and I submit; but I insist on the whole of the forms.

[Here the Court desired him to proceed.]

I am charged with being an emissary of France. An emissary of France! and for what end? It is alleged I wish to sell the independence of my country! and for what end? Was

this the object of my ambition?—and is this the mode by which a tribunal of justice reconciles contradictions? No, I am no emissary; and my ambition was to hold a place among the deliverers of my country—not in power, not in profit, but in the glory of the achievement. Sell my country's independence! and for what? Was it for a change of masters? No, but for ambition! Oh, my country! was it personal ambition that could influence me? Had it been the soul of my actions, could I not, by my education and fortune—by the rank and consideration of my family—have placed myself among the proudest of my oppressors? My country was my idol; to it I sacrificed every selfish, every endearing sentiment, and for it I now offer up my life. O God! No, my lord; I acted as an Irishman, determined on delivering his country from the yoke of a domestic faction, which is its joint partner and perpetrator in the parricide, for the ignominy of existing with an exterior of splendor and a conscious depravity: it was the wish of my heart to extricate my country from the doubly-riveted despotism. I wished to place her independence beyond the reach of any power on earth—I wished to exalt her to that proud station in the world.

Connections with France were indeed intended—but only as far as mutual interest would sanction or require. Were they to assume any authority inconsistent with the purest independence, it would be the signal for its destruction; we sought aid, and we sought it as we had assurance we should obtain it—as auxiliaries in war, and allies in peace.

Were the French to come as invaders or enemies, univited by the wishes of the people, I should oppose them to the utmost of my strength. Yes, my countrymen, I should advise you to meet them on the beach with a sword in one hand and a torch in the other; I would meet them with all the destructive fury of war, and I would animate my countrymen to immolate them in their boats, before they had contaminated the soil of my country. If they succeeded in landing, and if forced to retire before superior discipline, I would dispute every inch of ground, burn every blade of grass, and the last entrenchment of liberty should be my grave. What I could not do myself, if I should fall, I should leave as a last charge to my

countrymen to accomplish, because I should feel conscious that life any more than death is unprofitable when a foreign nation holds my country in subjection.

But it was not an enemy that the succors of France were to land. I looked indeed for the succors of France; but I wished to prove to France and to the world, that Irishmen deserved to be assisted; that they were indignant at slavery, and ready to assert the right and independence of their country.

I wished to procure for my country the guarantee which Washington procured for America. To procure an aid which by its example would be as important as its valor—disciplined, gallant, pregnant with science and experience; who would perceive the good, and polish the rough points of our character; they would come to us as strangers and leave us as friends, after sharing our perils and elevating our destiny. These were my objects—not to receive new taskmasters, but to expel old tyrants. These were my views, and these only became Irishmen. It was for these ends I sought aid from France, because France, even as an enemy, could not be more implacable than the enemy already in the bosom of my country.

[Here he was interrupted by the court.]

I have been charged with that importance in the efforts to emancipate my country as to be considered the keystone of the combination of Irishmen, or, as your lordship expressed it, "the life and blood of the conspiracy:" you do me honor over much; you have given to the solution all the credit of a superior. There are men engaged in the conspiracy who are not only superior to me, but even to your own estimation of yourself, my lord; before the splendor of whose genius and virtues I should bow with respectful deference, and who would think themselves dishonored to be called your friends; who would not disgrace themselves by shaking your blood-stained hand.

[Here he was interrupted.]

What, my lord! shall you tell me on the passage to that scaffold, with the tyranny of which you are only the intermediary executioner has erected for my murder, that I am accountable for all the blood that has and will be shed in this

struggle of the oppressed against the oppressor? Shall you tell me this, and shall I be so very a slave as not to repel it?

I do not fear to approach the Omnipotent Judge, to answer for the conduct of my whole life, and am I to be appalled and falsified by a mere remnant of mortality here? By you, too, who, if it were possible to collect all the innocent blood that you have shed in your unhallowed ministry, in one great reservoir, your lordship might swim in it.

[Here the Judge interfered.]

Let no man dare, when I am dead, to charge me with dishonor; let no man attaint my memory, by believing that I could have engaged in any cause but of my country's liberty and independence, or that I became the pliant minion of power in the oppression of the miseries of my countrymen. The proclamation of the Provisional Government speaks for our views; no inference can be tortured from it to countenance barbarity or debasement at home, or subjection, humiliation, or treachery from abroad. I would not have submitted to a foreign oppressor for the same reason that I would resist the present domestic oppressor. In the dignity of freedom, I would have fought on the threshold of my country, and its enemy should only enter by passing over my lifeless corpse. And am I, who lived but for my country, and who have subjected myself to the dangers of a jealous and watchful oppressor and the bondage of the grave, only to give my countrymen their rights, and my country her independence—am I to be loaded with calumny, and not suffered to resent or repel it? No, God forbid!

If the spirits of the illustrious dead participate in the concerns and cares of those who are dear to them in this transitory life, O ever dear and venerable shade of my departed father, look down with scrutiny upon the conduct of your suffering son, and see if I have ever for a moment deviated from those principles of morality and patriotism which it was your care to instill into my youthful mind, and for which I am now to offer up my life.

My lords, you are impatient for the sacrifice—the blood which you seek is not congealed by the artificial terrors that

surround your victim; it circulates warmly and unruffled through the channels which God created for nobler purposes, but which you are bent to destroy for purposes so grievous that they cry to Heaven. Be ye patient! I have but a few words to say. I am going to my cold and silent grave; my lamp of life is nearly extinguished; my race is run; the grave opens to receive me, and I sink into its bosom! I have but one request to ask at my departure from this world; it is the charity of its silence! Let no man write my epitaph; for as no man who knows my motives dare now vindicate them, let not prejudice or ignorance asperse them. Let them and me repose in obscurity and peace, and my tomb remain uninscribed, until other times and other men can do justice to my character. When my country takes her place among the nations of the earth—then, and not till then—let my epitaph be written. I HAVE DONE.



JAMES WHITESIDE.

WHITESIDE'S SPEECH

AT THE IRISH STATE TRIALS, IN DEFENCE OF CHARLES GAVAN DUFFY.

May it please your lordships, gentlemen of the jury, in this case I appear before you as the counsel of Charles Gavan Duffy, proprietor of the newspaper called the Nation. The solemnity of this state prosecution would be enough to bespeak your considerate attention. The principle involved in the issue—the all-pervading anxiety of the public—the true nature of the accusation itself—combine to mark out this as a question of no ordinary expectation. My anxiety is so to place before you the justice of my client's case, that truth may prevail, and the cause of public freedom triumph. I will not, at the outset, disguise from you that the result of this case is regarded by me with trembling apprehension, not from a vulgar terror of popular indignation, or the force of popular fury, because the arm of government is powerful enough to crush and punish such excesses. My apprehension arises from a better motive. I feel the importance of your decision. I am anxious for the character of our common country, for the purity of its justice, and that your decision may be consistent with the principles of a free constitution, and may rest on the immovable ground of truth.

Be assured, gentlemen, this day's proceedings will be scanned by the opinions of enlightened England, and whatever other country possesses freedom. As far as you can do, and as human infirmity will permit, discharge your duty unflinchingly, between the Crown and your fellow-subject. Be tender of that subject's freedom, and your judgment will be applauded by

your own consciences and by that of all just men throughout the world. Gentlemen, you are not empannelled to try the traversers for their political opinions The soundness or unsoundness of their views—the policy or impolicy of their proceedings—the wisdom or the folly of their accusations—the possibility or impossibility of their projects being carried into execution, form no part whatever of your inquiry. Crime is alleged against defendants, and crime of a peculiarly defined character; and if that peculiar crime, as it is described and explained on the face of this indictment, be not clearly and distinctly proved, no matter of what supposed offence the traversers, or any one of them, might, by possibility, be suggested to be guilty, still you would be bound to acquit them on the present indictment. The crime of which they are accused is that of conspiracy. In the proper acceptation of the word, there is nothing criminal involved in it. It means having one spirit; and the prevailing idea conveyed by it is, that of a common sentiment among men for the accomplishment of a common object.

Now, a community of sentiment on political subjects is not criminal. Associations exist composed of all parties. There are literary, scientific, religious, and political societies. But as you have seen, there is in this crime of conspiracy a latitude of proof permitted which your own experience as jurors tell you would not be suffered in any other proceedings. One man is sought to be affected here, not by what he has himself done, spoken, and committed, but by what other men have done, spoken, and committed. The indictment here is solely for a conspiracy, and I cannot praise it much as a work of legal ingenuity or art. You might imagine the legal artist possessed of much bodily strength, and armed with a huge scissors, placing before him several piles of newspapers—the Freeman, the Nation, the Pilot, the Post, the Mail—and plying his task with no charitable spirit, but with considerable zeal, speeches are stripped by him of all inoffensive matter, and the other parts cut out, biting passages of leading articles are cut out, reports of speeches at public meetings given more severely than the speakers of the speeches intended are selected, letters of angry correspondents written at long intervals of time are care-

fully selected, the prose of the indictment is embellished by an extract from a transatlantic speech made by the son of President Tyler, and the whole is wound up with a song. The proceedings of a meeting were then given, then the speeches at a dinner; next came the editors of the Freeman and the Pilot, each charged with having published the extracts in these newspapers, respectively, for the purposes of this wicked conspiracy, and then comes the editor of the Nation, for having transcribed them into his weekly publication. Well, indeed, may I say that the guilt of any man must be difficult of proof which requires a document of such extraordinary prolixity to have it explained to the jury, and that the innocence of that person must be clear indeed which needs such a mass of parchment to have it endangered or obscured.

The Attorney-General, who, I think, has stated the case on behalf of the Crown with great moderation and good temper, began by stating what were the principles and the authorities on which he relied as necessary to explain the doctrine of conspiracy. To show the jury in passing what was the evidence necessary to support a charge of conspiracy, I may remind you of the case of the King against Brownlow and others. There was a common purpose to dine together at Daly's Club-house, and I believe they did execute their agreement merrily together; there was a further agreement to sup together, which I suppose was executed with equal mirth; and thirdly, they agreed to go together to the theatre. One had a rattle which he chose to throw, another was pleased to whistle, and a third to throw a bottle on the stage. They were finally indicted for a conspiracy, but the grand jury having ignored the bills, the Attorney-General availed himself of his privilege to file an *ex-officio* information. The case came before a petit jury; one of the accused was acquitted, but respecting the others they could not agree, and the matter remained so since, except that many of those engaged in the trial have since passed away, and are not now in existence to enliven us by their wit, or excite us by their eloquence.

The learned counsel continued to refer, at considerable length, to the opinions of Mr. Justice Holroyd, as they were reported in the case of Redford *v.* Birley and others, 3d vol. of Starkie's

Reports. That learned judge, in page 102, expresses his sentiments as to what constituted, in his opinion, an unlawful assembly. He said—

"But, however, gentlemen, for the purpose of showing this was an illegal meeting, I will state some things which constitute an unlawful assembly—a riot is when three or four unlawfully collected together to do an unlawful act, as if they were creating a nuisance or in a violent manner beat a man; that may constitute a riot. Persons may be riotously assembled together, yet, unless they do some act of violence, it would not go so far as to constitute actually a riot; but, if they come armed, or meet in such a way as to overawe or terrify other persons, that of itself may, perhaps, under such circumstances, be an unlawful assembly."

Such are Justice Holroyd's opinion upon this topic. In page 106 he then goes on to explain his views in the following language:

"If, from the general appearance, and all its accompanying circumstances, it is calculated to excite terror, alarm, and consternation—it is generally criminal and unlawful, that is in all those persons who go for purposes of that kind, disregarding the probable effect, and the probable alarm and consternation, and whoever gives countenance thereto is amenable as a criminal party. With a view to that the evidence of actual alarm, or absence, or want of alarm, is material."

But, my lords, what evidence have we had of alarm in the present prosecution? None, whatever. The learned judge then proceeded to allude at much length to the memorable case of Lord George Gordon in 1780. Kennett, he said—

"Was the Lord Mayor of London at that time, and Lord George Gordon called an immense number of persons in St. George's Field. They were called for an ostensibly lawful purpose, and there was of itself nothing further meant nor intended than to petition the house of parliament to repeal acts which were passed in favor of the Roman Catholics. They met on that occasion in immense numbers, but not so many as on the occasion upon which we are now unfortunately sitting. Lord G. Gordon went up with their petition to the House of Commons, and they accompanied him there. So far there was nothing amiss, except that being tumultuous it was indiscreet, because it was going with a great number of persons, which was tumultuous, or had the appearance of being so, and if they were not satisfied with the result, some among them might break out into acts of violence."

Such were Mr. Justice Holroyd's views of illegal meetings. Much reliance has been placed by the counsel for the Crown

in the present case on the opinions alleged to have been expressed in this same case of Redford's by Lord Tenterden in reference to the right of subjects to exercise in military manœuvres; but, my lords, on reference to Starkie's report, I find that Lord Tenterden did not express any positive opinion on the subject at all. In page 128 Lord Tenterden observes—"It is by no means to be taken for granted that it is lawful for the subjects of this country to practice military manœuvres under leaders of their own, without authority. It is not to be taken for granted that that is law. I believe, on investigation of the subject, it will be found not to be law. I pronounce no opinion upon it,"—and that is what is called the positive opinion of Lord Tenterden! The Attorney-General did not cite the recent case of the Queen *v.* Vincent and others, out of 9 Carrington and Payne, p. 95. He did not quote that case for——

Chief Justice.—I believe he did.

Mr. Whiteside.—No, my lord, it was another case he cited, and I wish to call your particular attention to the charge preferred against the party here. The first count charged them with being evil disposed persons, who did disturb the public peace, and excite discontent and hatred, etc., in the minds of her Majesty's subjects. The twelfth count was for a tumultuous assembly, and the thirteenth count was for a riot. Here is the evidence given in the case. Mr. Phillips, the mayor of Newport, swore that he went to the meeting at eight o'clock on the evening of the 19th of March, and that he heard Vincent address the assemblage relative to the government. He described it as a cannibal and atrocious system. He then referred to the people's charter, and said the snow-ball of Chartism should be hurled from the hill on their oppressors. Very like this case, is it not? He told them if any policeman interfered with them to break his head. Very like what the traversers told the people, is it not? Mr. Johnson, a commercial traveller from Liverpool, was examined, and stated that he had a conversation with Townsend, who wanted him to supply three hundred muskets, six hundred cutlasses, and pistols in proportion; but he refused to furnish arms for such an abominable purpose. He then went and informed the magistrates, and gave evidence

in the case. Baron Alderson, in summing up, said, "you will have to say, looking at all these circumstances, whether the defendants attended an unlawful assembly. You must take the hour of the day at which the parties met, and the language used. You will consider how far these meetings partook of that character, and whether firm and rational men, having their families and their property, would have reasonable ground to fear a breach of the peace. It must not be merely such as would frighten any foolish or timid person, but such as to alarm persons of reasonable firmness and courage." The jury found the defendants guilty of attending an unlawful meeting, but acquitted them of conspiracy. Hear what Mr. Baron Alderson, in his charge to the grand jury, says on the same case—

"There is no doubt that the people of this country have a perfect right to meet for the purpose of stating what are or what are not their grievances. That right they always have had, and that right I trust they will always have. Let them meet if they will in open day, peaceably and quietly, and they would do wisely, when they meet, to do so under the sanction of those who are the constituted authorities of the country. To meet under irresponsible presidency is a dangerous thing, but nevertheless if when they do meet under irresponsible presidency, and conduct themselves with peace, tranquillity, and order, they will perhaps lose their time and nothing else. The constitution of this country does not punish persons who, meaning to do that which is right in a peaceable and orderly manner, are only in error in the views they have taken on some subject of political interest."

The next book I shall quote from is a report of the late trials of the Chartists in England, and it is remarkable for the clear law laid down in that case by Baron Rolfe. In the case I shall cite the people went about destroying mills, injuring property, and preventing people from attending to their work. Feargus O'Connor was one of the persons charged. He was the proprietor of the Star newspaper, and he was charged on a separate count framed to meet his case. The first charge against Mr. Feargus O'Connor was that he attempted by force of arms to dismiss men from their work. The next count was that he attempted by violence to change the laws of the realm; and further, that the said Feargus O'Connor endeavored to create disaffection among the subjects of the realm. You

see that the charge of spreading disaffection, standing alone, is not sufficient—it is nothing. The learned judge further stated that if several persons were each ignorant of the acts of the others, those so ignorant of the acts could not be considered guilty of them. No doubt it might be inferred from the acts of the parties, whether they acted in unison or not. Again, he observed, that as no evidence had been given as to a great number of the defendants, that they had taken any part in compelling the turnout, they would not be considered as participators in it. He further said that the jury, to convict them of conspiracy, should believe that all were guilty of one and the same act. Those who took a part in the combination to compel a rise in wages, but took no part in the movements that occurred, which was no part of the conspiracy, could not be convicted under the count for the conspiracy. Gentlemen, if you find them guilty upon any one count—if you find them all guilty, you must find them guilty of having done all in that count, with the illegal effect specified in that count.

Mr. Justice Perrin.—I suppose you do not mean to say they are to find that the traversers committed every overt act?

Mr. Whiteside.—Certainly not, my lord; but I say they must find them guilty on any count of one and the same conspiracy. The overt acts are quite distinct from the conspiracy.

Mr. Justice Burton.—I wish to know, Mr. Whiteside, in what way the book you handed up to us is authenticated?

Mr. Whiteside.—The publication of that book was by a man who was candid enough to state the circumstances of his own conviction—Mr. Feargus O'Connor.

Mr. Justice Burton.—Then, this is an account of the trial by him.

Mr. Whiteside.—Yes, my lord, and he states that he was satisfied that he was tried according to law, and that he was punished accordingly. The whole was taken in shorthand by him. The first thing I direct your attention to is the vast meetings that have been held throughout the country. I have considered the general character of those meetings in mass. A few words as to the numbers who attended those

meetings. I have quoted to you already the words of an eminent judge, who said, "God be thanked, it never has been questioned that the right of the people of England to petition is their ancient, undoubted, unquestionable privilege." They may meet to petition, and will any man tell me that the meeting over which Lord Roden presided was legal, and that to meet and petition for Repeal it is unlawful? Gentlemen, I may say with truth, that these meetings of the people are disliked both by kings and their ministers.

I will now, gentlemen of the jury, call your attention to a few of the meetings held in England which were not considered illegal, because they were held under the eye of the English Attorney-General and Solicitor General, both eminent lawyers, and under the eye of the government too. The first meeting I advert to is that which Mr. Ross, the Crown witness, proved he was present at—the meeting held in London upon which two hundred thousand persons of the lower classes were present. They met together to discuss their grievance, which consisted of the sentence passed upon the Dorsetshire laborers. Two hundred thousand marched to Downing Street to visit the minister of the day, Lord Melbourne, with a petition which it took twenty men to lift. They were headed by the Rev. Dr. Wade, a gentleman of the established church, in his full robes, and, be it remembered, it was imputed to Mr. O'Connell as a leading fault that he went to those meetings in his red robes of office. It is not very likely that a man going to incite men to the commission of crime and violence would proceed to effect that object in his robes.

I will now read to you the account of the great meeting in London, as I find it in the News Letter of the 27th of April, 1834.

[The learned gentleman then read the description, by which it appeared that those two hundred thousand men marched almost in military array—five men deep, with banners and insignia, etc.]

Now, gentlemen, what is the result of those two hundred thousand people marching through the streets of London, with flags and banners, uninterrupted by any person, and what is stated by the prime minister of England sensibly is this: two hundred thousand persons coming to the seat of govern-

ment to present a petition is a thing that cannot be sanctioned by the government. He says your meeting is justifiable—your petition is justifiable—your conduct is justifiable ; I shall have no objection to lay your remonstrance before the King, but I cannot receive a petition from a deputation of two hundred thousand persons. I admit that you had a right to meet and come to that conclusion—send it to me to-morrow and I shall lay it before the King. Where is it suggested those men are guilty of conspiracy for meeting for those objects with flags and banners, and marching through the streets of London? An account of that meeting is given in the Morning Post of the day. It commends the conduct of the government in not interfering with the meeting, and, speaking with regard to the London Times that had censured the meeting, observed they thought such conduct strange when they recollected the loud praise formerly given by that journal to the brickbat and the bludgeon.

I shall next have to refer to a meeting of the Birmingham Political Union, held October 8th, 1831. "The spot fixed upon for the scene of this amazing spectacle was New Hall Hill, a large vacant spot of ground situated in the northern suburbs of the town, and peculiarly well formed for such a purpose. It consists of about twelve acres of rising land, in the form of an amphitheatre. In the valley a number of wagons were ranged in half circle, the centre one being appropriated to the chairman and the various speakers who addressed the meeting. About half-past eleven o'clock, the Birmingham Union, headed by Messrs. Attwood, Scholefield, Mutz, Jones, etc., and preceded by the band, began to arrive on the ground, but such were the numbers that a considerable time elapsed before all had taken their stations on the ground. The scene at this moment was peculiarly animated and picturesque ; at different points of the procession various splendid banners were carried, on which were as varied devices and mottoes. It is utterly impossible adequately to describe the appearance of this most magnificent assembly. When the council had taken their stations on the platform, upon the lowest computation not less than eighty thousand were within the range of vision, and in about half an hour afterwards, when the Staffordshire Unions

arrived upon the ground, the number present was calculated by some at considerably above one hundred thousand. On the ridge of the hill which crowned the amphitheatre the banners, in number about twenty, were placed at equal distances, and gave a beautiful finish to the perspective. Among other distinguished persons present on the occasion, drawn to the spot by motives of curiosity, but who took no part in the proceedings, were Prince Hohenlohe, (the brother of the celebrated prophet of that name,) and the Chamberlain to the King of Prussia." They intimated their intention to pass a resolution not to pay taxes, and to send up one hundred thousand persons to London to quicken the deliberations of the House of Lords. That would be unlawful. Did any minister of the day say that meeting was illegal? No Attorney-General that ever stood on English ground would have dared to say so, and I don't say that insolently or presumptuously. I recollect that Lord John Russell said he did not see why the people should not speak out, and that the whisper of a faction should not put down the voice of the nation. There was then none of the mawkish, sentimental twaddle about men expressing their conscientious convictions that such a law should be the law of England as would provide for their freedom. There were other resolutions, which I shall not read to you, which were very bold and startling. I will now bring the Attorney-General to the part of England he is connected with—his own happy Yorkshire. That is the place where he is a representative, and I am sure no more honorable or better representative could be found. I will bring him back, gentlemen, to Yorkshire, and tell him when next he goes there to inquire about King Richard—that is Mr. Oastler—and to see his placards. I shall now quote from the York Herald and General Advertiser of the 28th of April, 1832; and I will show how they met:

"Great Yorkshire Meeting in Support of the Ten Hours' Factory Bill.—This great meeting in support of justice and humanity, was held in the Castle Yard, on Tuesday last. Early on Monday morning, the bustle began in Leeds; the streets were crowded with people waiting to witness the arrival of the different divisions, the bells of the parish church rung merry peals; and as the weather was then favorable, the scene was altogether lively and cheering. According to the programme, the various divisions of operatives entered Leeds from Halifax, Hudders-

field, Bradford, Dewsbury, Heckmondwicke, Holmfirth, Keighly, etc., with their flags and music. They repaired to White Cloth Hall Yard, where refreshment was served to those who, from want of employment, could not afford to supply their own wants. The first Leeds Division left that town at eleven o'clock at night, and the second an hour after; but it is needless for us to dwell upon the minutiæ of a dark and dreary march through rain and mire, and it is sufficient to observe that a strong sense of duty, and the consciousness of being engaged in a righteous cause, kept up the spirit, and gave nerve to the exertions of those thousands of pedestrians."

[The learned gentleman then read a description of the procession, banners, etc., and an extract from the speech of Mr. Oastler, and proceeded.]

Mr. Oastler did not mince the matter. Nothing could be more distinct or emphatic than his language. He began by saying that they had come together to give a vote against the unendurable white slavery. The result of that meeting was a petition to parliament. They met for the purpose of obtaining that ten hours' bill which was not then, but which is now the law of the land. They met in thousands and tens of thousands —they assembled, they declaimed. They were met for one combined object; they came together with banners and music, and some of their language was a thousand times stronger than any that had been used in this agitation. They denounced the aristocracy, and declared that the wealth they possessed was the proceeds of their sweat and labor.

Did our Attorney-General ever say that because those men combined for a common object, the means they took were illegal? Gentlemen of the jury, I will now draw your attention to the meeting which was held at Hillsborough, and which I think Mr. Sheil spoke of to you, and I will take the report of it from the Dublin Evening Mail of the 31st of October. The men of the North are described as having done their duty well, and I am happy to hear it. I admire them and I like them for it. They marched to Hillsborough, "in border fashion," to express what?—that the men of the North were determined that the Union should be maintained, and that they would stand by the government in maintaining it with their lives and fortunes. They marched there to express that determination

—by what means? by what is called, in the language of the indictment, "the demonstration of physical force." They resisted the agitation for the Repeal of the Union. Had they a right to do so? What! seventy-five thousand men meet and march "in border fashion" to Hillsborough to maintain the Union, and do you, gentlemen of the jury, think if they met to-morrow for a like purpose again to express their determination to maintain the Union, and to declare their confidence in Mr. Attorney-General and Mr. Solicitor-General to say how grateful and how much indebted they were to them for it, and passed a vote to that effect for the spirited zeal and ability, and, I will add, moderation with which they conducted these prosecutions—I ask would not Mr. Smith return them thanks in his most flowing and graceful style? How deeply grateful he would express himself, and how would he not say: "Gentlemen, to the latest period of my life I shall cherish this expression of the confidence and approbation of so many of my fellow-countrymen, and I cannot sufficiently express my gratitude for the too flattering manner in which you have declared your approbation of my conduct, and that of the government of which I am an unworthy member. Gentlemen, I am happy to find that you are determined to sustain the Uuion, which is now the law, the church, and the state, and all the established institutions of the country."

Yes, gentlemen, of the jury, seventy-five thousand men met at Hillsborough for a common object, and having a common purpose, and they did what they met for in capital fashion. Scarcely one who met there—and there were no women or children among them—but could handle a gun and polish a musket; and, gentlemen, I believe the Attorney-General rejoices, from the bottom of his heart, that they can do so. Suppose those men came to a resolution, such as the following: "Resolved—That we are of opinion that the Union is unconstitutional, illegal, and a grievance, and should be repealed." I would ask had they not equally a right to meet and express that opinion? Had they a right to say that they would resist the Repeal of the Union? I say they had. The Solicitor-General says they had not, by this prosecution. There is no law that I know of for one class of men any more than

for another; there is no law for the nobleman that is not for the peasant; and I have no doubt on my mind that you will not make any distinction whatever between the assemblage of seventy- five thousand men at Hillsborough and seventy-five thousand men at Tara.

I have no more doubt than that I am now a living man, that with twelve men on their oaths, no such consideration of a paltry or pitiful nature will be allowed to enter their box, as to induce them to hold that meetings of a peaceful character, to petition the legislature and the Crown, are not as legal and consistent with the rights of the subject as that the Crown of these kingdoms belongs of right to our most gracious sovereign. And now, gentlemen, I will take the liberty of directing your attention to the general character of the meetings, as it is demonstrated by the general tenor of the evidence, for I will take the evidence en masse in this respect.

During the few weeks of respite which your lordships were kind enough to permit us, we appointed agents throughout every district of the country, to whom we assigned the duty of discovering what acts of violence, if any, had been committed at those meetings—whether the person of any man had been assaulted, and whether the property of any man had been injured—whether men who differed on political points from the traversers felt terror or alarm at the meetings; and we will prove by evidence the most incontestable, that no one of these things was ever known to have occurred. No alarm was felt by any rational man in the community, for no injury was anywhere offered to life, character, or property. No living man had been adduced as a witness to prove anything of the kind, and for this obvious reason, that such a statement was utterly incapable of proof. The police were scattered everywhere through the country. What was the sum and substance of their testimony? This, that whether they were disguised or not disguised they were never subjected to unworthy treatment at the hands of the people—that no injury was ever inflicted upon them—that the people conducted themselves invariably with peacefulness, good order, and tranquillity—and that, although this disadvantage is naturally connected with the assembling together of multitudes in vast masses, that the ill

behavior of a solitary individual may be imputed to the charge of the whole meeting, and may bring danger on all, yet on no one occasion was there an instance of even an individual impropriety of conduct. If the contrary was susceptible of proof, why was it not proved? Our meetings were peaceable, orderly, and legal. But I forgot that, in saying this, I am uttering my own condemnation, for the monstrous proposition for which the Attorney-General is contending is, that the more peaceable, the more orderly, the more decorous were the meetings, the more deserving are they of reprehension; and the more eloquently is it attested that their object and purpose are wicked and treasonable.

The fact is, our peaceable demeanor is nothing more or less than an evidence of the atrocity of our fell intent. If we had acted like the old Irish—if we had demeaned ourselves like drunken, besotted, ill-conditioned men, knocking down and beating all we met, that would have been all natural, and nobody's suspicions would have been aroused. That would have been quite consistent with the Irish character—the law would then have been broken, as it ought to have been broken, and as it had been broken in Ireland from time immemorial. But no; we demeaned ourselves with courteousness toward every one, with the strictest good order; and for that reason the suspicions of the Attorney-General are aroused—for that reason he walks into court with Hawkins and Hale in his hand, to prove that we have been guilty of treason, conspiracy, and everything that is horrible. I defy any man to keep the step to such music as is played by the temperance bands; and because the people did not do so, oh, says the Attorney-General, that's rank sedition! He hears some attempt made by a parcel of boys in the country to play some tune, and up he starts and says, that's rank treason. They don't play party tunes, however, these temperance bands; no, they are not like the music—the good and loyal music—played by the bands in the North of Ireland. Oh, dear! not at all; I'll tell you the music they played there—"The Protestant Boys will Carry the Day," "The Boyne Water," and "Oh, the Croppies Lie Down," of course, down, down, croppies lie down. These are the loyal tunes in the North; they despise all others in the

world, and many a broken head, and black eye, and sore arm was the result of not joining with the loyal bands who play those loyal tunes. They don't play "God Save the Queen," there at all, and because the temperance bands play it, oh! says the Attorney-General, that's rank treason. Well, I think the charge was not far wide of the mark, for I never heard of a fouler or a darker conspiracy—to do what, though?—to murder harmony. Oh, yes, these temperance bands did conspire, confederate, combine, and agree, to——murder harmony.

We have heard of mottoes, too, and a good deal about the treasonable designs of them. Mind, they don't bear the inscription of church and state, for one of the first of them was, "Liberty and Old Ireland." Compare that with church and state, and if you do not conclude that it is rank treason, why—— I ask you, is it not rank treason and foul conspiracy, to put "*Liberty and Old Ireland*," on a flag? Another has "Repeal of the Union," and another, "We will not be Slaves,"—there's treason for you—no getting out of that. Come we to the next, and its awful, "We will not be Slaves!" There's treason for you. The people say, we will trust in O'Connell and his advice, who tells us to come quietly to a meeting, and go home peaceably. There's treason for you. He tells us not to commit a crime, and we obey him; that's rank treason. We go to meetings quietly, return peaceably, don't drink, commit no crime, violate no law, and up starts the Attorney-General and tells us, it is all rank treason and foul conspiracy.

Talking about mottoes, it's very odd what I can tell you of the late Duke of Sussex—I will go even to royalty for it. The Duke of Sussex made a speech some time after the Manchester massacre. That speech was delivered at the Fox Cub dinner, in Norwich, in the year 1820, and when the King's health was given it was drunk in silence—mind that, in silence—the King was the brother of the Duke of Sussex, and yet his health was given in silence. That's not the way we do the thing in Ireland. When the Queen's name is mentioned, we kick up our heels, and fling our hats into the air, and shout for joy—that's the way we do things here. At the dinner

where the Duke of Sussex made the speech there was a motto, "Liberty or Death!" and the Duke said he would prefer losing his life to his liberty. That was the language of one that might have filled the throne of England; but the moment a poor Irishman puts Liberty on a banner, the officers of the Crown start up and say, it's all treason.

In the course of this trial, a speech of Mr. O'Connell's, in which he speaks of the battle of the Boyne, and the defeat of the Irish people, was read. It was singular enough, that Scott, in alluding, on one occasion, to the battles of his countrymen in flood and field, admonished the Scots not to fall into the mistake of their ancestors, but to be steady, firm, and united in their moral agitation, and not to be divided and wavering as their ancestors were in their physical conflicts. This was precisely the meaning of Mr. O'Connell's allusion to the battle of the Boyne. He encouraged the people to firmness in the political struggle in which they were engaged, by a reference to historical facts. His language plainly meant nothing more nor less than this—"By their want of perseverance your ancestors lost the memorable battle of the Boyne; in the constitutional struggle in which you are engaged, be sure that you preserve perseverance and unity, and you will certainly succeed." But let me ask you, gentlemen, is my client responsible for the speeches of Mr. O'Connell? Mr. Duffy was not at any of the monster meetings.

[The learned gentleman here referred at some length and with considerable ability and great ingeniousness, to the speeches relied on by the Crown. He strongly censured Lord Beaumont's attack on Mr. O'Connell, and justified his calling the English foreigners on decisions of the English law courts. He also ridiculed the idea that any speech of a minister could make meetings for any legal purpose, peaceably conducted, illegal. In looking to what had occurred at the meeting at Mullaghmast, there might have been something said which was violent and improper; but looking to the correct report of what Mr. O'Connell had said, so far from expressing any wish to make any religious distinctions by a reference to the massacre supposed to have taken place, he said it was a massacre committed, not by Protestants on Catholics, but by Irish Catholics

upon members of the same faith. His object evidently was not to create any religious distinctions, or to create ill will between Protestant and Catholic. Mr. Whiteside then adverted to the Processions Act, which he showed had reference to Orange processions only; and after stating the parliamentary history of the measure, thus continued:]

There was one other gentleman who supported the amendment, and he is, I believe, the second gentleman you are called upon to convict, another son of Mr. O'Connell, and on the same manly and constitutional grounds, that if men were wrong in their opinion, that the power of the law was sufficiently stringent to put them down; but they should be allowed frankly to state their opinions. He spoke the opinions of a respectable portion of the population of Ireland—of millions of the Irish people. Will the learned gentleman stand up to tell you that marching—I put it that they marched regularly in procession—I want to know: Will it here be laid down by the bench or asserted by the law officer of the Crown, that that is illegal? That, as against the Orangemen, required an interposition of a statute to put it down, and you, gentlemen, are called upon without any statute, to declare by your verdict, that such processions are illegal and unconstitutional. Therefore, gentlemen of the jury, to sum up matters in relation to those meetings, whether with regard to processions as they are called, I submit they were lawful and legal, and that you know of your own knowledge, as part of the history of the country, that processions a hundred times more formidable occurred for a hundred years, without objection, and that it required an act of the legislature to put them down, and that you will say to those legislators, As you thought fit to put down the Protestants of the North, we will now leave you to deal with those processions that you would not also put down, though called upon to do so.

It is insinuated that those large meetings were calculated to excite discontent, but the kind of discontent is not stated. Many men are discontented who are not conspirators. A hungry man is discontented, and Cicero, with all his eloquence, could not make him a contented subject, though not a conspirator. The advocates for the abolition of slavery were dis-

contented. The very legislature has felt the wisdom of discontent, and made laws which never would have been made but for the discontent. Therefore, it is not a crime to be discontent with any law, and that does not make my client out to be a conspirator, except something is done illegal or subversive of the principles of the constitution. I take it that the word discontent may be better understood by coupling it with the word disaffection. It is not said to be disaffection against her Majesty or the forms of the constitution. No such thing. It is not stated that the discontent relates to the sovereign or her authority. I quite admit, that to excite discontent against the form of the constitution would be illegal; to excite discontent against the House of Commons would be seditious; to excite discontent against the just prerogatives of the House of Peers would be seditious; to excite discontent against royalty, to curtail the prerogatives of the Crown, to say the Crown was an unnecessary part of the constitution, would be seditious; but, to admit the Queen, Peers, and Commons is the best and most beneficial form of government that the wit of man can contrive for the protection and prosperity of the people, and to wish to extend the beneficent principles of that constitution to every part of the empire, never can be held to be discontent against the constitution which you applaud, and which you desire to have extended to the land of your birth. Therefore, gentlemen, all that has been said in that indictment about disaffection and disloyalty only applies to an effort not to do away with the House of Commons, but to restore it; not to abolish the House of Peers, but to bring it back to where its presence is so desirable. Not to limit the prerogative of the Crown, but, perhaps improperly, to extend its privileges. How then can that be demonstrated to be an illegality.

Now, gentlemen, consider for a moment the zeal of my client, and some of the other traversers, to effect their object, and put yourselves in their position. Suppose you were of opinion that the Union had been carried by unfair and dishonest men, and that you conscientiously believed it to be an evil to your country, what mode would you naturally resort to to obtain the repeal of that measure? Having reflected on the past history of Ireland, what course would naturally suggest itself to you

to get from the parliament of England the measure you demanded? An unreflecting man might say, why not ask it of the Crown? Why not rely quietly on the justice of the cause? But an Irishman, one of the traversers, might say, we did appeal to justice, and we found it a broken reed. We did rely on the truth and justice of our cause, but we gained nothing by it. It is a very questionable doctrine, indeed, whether political rights and privileges are only to be granted when it is necessary to concede them for the purpose of checking discontent, and to teach that great but painful secret, to rely on popular organization, and everything will be granted, but that without it, everything would be denied.

[Mr. Whiteside continued briefly to advert to the agitations which have been organized in Ireland since 1760, when the first association of Catholics was formed; and having come down to the Catholic Association, he showed that in everything, save the object, the Repeal Association was its fac simile.]

They circulated, in 1828, eight hundred copies of the Weekly Register. The Brunswick clubs have done the same by the Evening Mail. The government of the day passed an act to put down the Catholic Association. What, then, was the obvious duty of the government with respect to the Repeal Association? If they wanted to put it down, why not adopt the course pointed out by Lord Jocelyn in the month of May last? and when they, in effect, admitted all associations of a similar kind before to have been legal, it is impossible for the most discriminating eyes to discover a difference between them. I am sure it will be admitted on all hands that, as a lawyer, there is no man whose words are more deserving attention than Lord Plunket; and now let me draw your attention to the opinion which he has expressed relative to the legality of the Catholic Association. He was too good a lawyer not to know that the association was not at variance with the common law of these countries, and that in order to its suppression it was necessary that the government should be armed with additional powers beyond those which they then possessed. Accordingly, after Mr. Goulbourn had given a description of the association, Lord Plunket rose and expressed himself in the following language:

[Here the learned counsel read an extract from Lord Plunket's speech on the occasion in question, in which he stated, *inter alia*, that he would not take upon him to say that the society, the Catholic Association, was illegal.]

Common sense and common law were on the side of Lord Plunket, and that the principles which he propounded were founded on truth is clearly evidenced by subsequent events, for the government, finding it utterly impossible to crush the association by common law proceedings, were obliged to have recourse to parliament for new and more extensive powers. Lord Brougham's speech on that memorable debate is one which for brilliancy of thought and energy of expression, must ever stand pre-eminent. He, too, demonstrated the absurdity of alleging that the association was at variance with the common law; and hear the language in which he propounds his opinions.

[The learned counsel read from the Mirror of Parliament, Lord Brougham's eloquent defence of the Catholic Association, in which the noble lord, after ridiculing the conduct of those who pretended that the peaceful conduct of the people during the emancipation movement constituted the most appalling feature of the movement, concluded by observing that such language brought to his mind the quotation :]

"My wound is great because it is so small."

And surely the inference was plain that was conveyed in the next line—

"Then 'twould be greater were it none at all."

And upon the same principle it is contended that the danger of the present movement bears an exact proportion to the tranquillity and good conduct of the people. Well, then came two acts of parliament. The first, which was the 6th of George IV., chap. —, was for the suppression of the association; and next came an act which I think the Attorney-General might as well have refrained from alluding to. It is an act which expired in two years from its passing. It was called the Coercion Act. A more tyrannical act of parliament was never passed by any government; and it is to be regretted that it

should have been introduced by a ministry from whom we should rather have expected measures favorable to the liberties of the people. How, I ask, can you be called upon to declare that the Repeal Association, which is less comprehensive and more mild in its constitution than any of the others, is, unlike them, at variance from the common law? The first thing on which the Attorney-General relied, in order to prove the constitution of the association, and the full intent of the conspiracy, was the associates' card; but I, for the life of me, cannot understand what evidence of conspiracy there is on the face of that document, unless, indeed, a sketch of the bank of Ireland (a very bad one, by the way) can be regarded in that light. On one corner of it is the word Catholic, on another, the word Protestant, on the third, the word Presbyterian, and in the middle, the motto—*Quis separabit.* That did not look like a conspiracy; did it not rather look like a charitable and generous attempt to unite all classes of religionists in the same bond of union, and to merge in oblivion all sectarian differences? My learned friend did not allude to this motto, and yet I think it is of no insignificant importance—for it proves the true character of the movement, and shows that instead of having been instituted, as alleged by the Attorney-General, for the purpose of spreading dissension among the different classes of her Majesty's subjects, it was instituted expressly for the purpose of promoting good will and good fellowship among all classes of the community. The Attorney-General next referred to the members' card, and appeared to be of opinion that it was pregnant with evidence most damning and conclusive of the seditious objects of the Repealers; but I confess I am quite at a loss to imagine how he managed to arrive at such a conclusion. One corner of the card is occupied by a statistical calculation of the yearly amount of the revenue of our country; there is, surely, no mark or token of conspiracy in that. In another corner we find an accurate statement of the population of the country, in another corner we find a correct statement of the geographical extent of the country; as compared with other countries; there is then a statement of how much Ireland supplied toward the maintenance of the wars, and the whole concludes by the assertion of a fact which I am sure

no man here will dispute—namely, that we have no parliament; and yet this card is given in evidence to prove a conspiracy. Undoubtedly there are some historical allusions in the card, but will it be pretended for a moment that it is criminal to allude to historical events? If so, the Scotch people ought to be put on trial for conspiracy, and Burns, who wrote some beautiful lines on Bannockburn, must henceforward be handed down to posterity as a conspirator. But now I come to the volunteers' card, and were it not for the valuable assistance which I have no doubt I will receive from your lordships in the task, I would approach the interpretation of this card with fear and trembling. In one corner of it I find a likeness, faithful I am to presume, of a celebrated Irish legislator, who rejoiced in the appellation of Ollam Fodlha. I confess, with shame, my utter incompetency to treat of the merits of this gentleman—but my Lord Chief Justice, who is deeply read in Irish lore, is conversant, no doubt, with his writings, and will understand the principles of law which have been propounded by this illustrious Solon. He, gentlemen, will fully explain to you the principles which this illustrious legislator inculcated, and is the best judge of what was seditious, unlawful, and rebellious in putting the head of Ollam Fodlha on the card. In that case I have to tell you, gentlemen, that the judges on the bench are a party to the conspiracy, for, if you look into the hall of the courts, a place where you come to seek for justice, and where it was most likely to be had inside, I say, the founders of this institution have had the hardihood to place the head of Ollam Fodlha in a niche there. You will give all the value of purity of intention to the people who thought Ollam Fodlha ought to be a model of uprightness and purity, while you must brand as conspirator any man who puts that name on a card. Here is a name that I confess puzzles me a little, and one in reference to which I must certainly apply to Judge Burton for assistance. It is the next name on the card, and is called Dathy. Did you ever hear of such a name as Dathy? Why, the very sound of it is conspiracy. Dathy! but who he was, what his opinion and thoughts, how he conducted himself, whether in accordance with the law or against it, I can't tell. But if there was anything particularly wicked in his conduct, to show you

that because his name was put on this card, the people who did so were conspirators in Ireland, I leave it for the learned judge to explain it to you, gentlemen of the jury. All I know about the gentleman is, that I am assured by Mr. Moore here he was a Pagan, and died at the foot of the Alps, from a flash of lightning. The learned Attorney-General forgot to prove to you what he said, or that such persons as Dathy or Ollam Fodlha ever existed at all. I leave it to you, gentlemen, to judge what the names of those old gentlemen had to do with the conspiracy charged against the defendants here, and you are also to determine that the defendants are guilty of a foul conspiracy, because the names were on the cards. The learned judge, who is so well versed in the antiquities of Ireland, will examine into all these matters, and no doubt he will enlighten you very much on the subject. But the defendants go forth and put two other names on their cards, and what names are those? The names of Grattan and Flood. Yes, they had the hardihood to put such names on their cards. Men whose names would go down to posterity—whose memory would be handed down from generation to generation as long as Ireland lasted; but how would those names be handed down? Was it as men who struck down the monarchy and abolished the constitution of the realm—who, by their fierce spirits and force of arms, carried all before them? Would they be handed down as such? No, they would not; but as true men, to one of whom even the Irish Protestant parliament had voted no less a sum of money than £100,000 for his exertions in the cause of his country; the two peaceable men, who had, by their persuasive and eloquent tongues, accomplished more than ever was accomplished by man—the two men to whom the world looked back with admiration, respect and esteem, and is it come to this in Ireland, that an Irish jury are called upon to pronounce men a band of conspirators, because they put the names—the immortal names—of Flood and Grattan on their cards? Are the defendants to be found guilty of a conspiracy for inserting the names of such men on their cards, whose lives and actions they endeavored, if not to emulate, at least to follow? If such be the case, I say it here, and I say it emphatically, that the answer will be found enshrined in the hearts of

an Irish jury. What is there treasonable in the names of Grattan and Flood being put on a card? The next card is rather singular, and if treason existed in the names of Ollam Fodlha, and of Grattan and Flood, I deny the ingenuity of man to discover anything in this portion of the card bordering on conspiracy. Holbrooke was employed by the board of Works, in connexion with the Castle, and this was the man who was employed in open day to print the card for the appointment of Repeal Wardens—nothing dark, secret, or hidden about it; all done openly in the face of day, and that by a man employed by government. The first thing I see on that card is a picture of the Queen on the throne, with the sceptre in her hand, and the crown on her head, and underneath, the words, "God save the Queen." If that was not the expression of loyalty, I don't know what is; and unless you can come to the conclusion that there is something very malignant and wicked in that, you must and will say, not guilty.

We next pass on to the beauties of nature, and I find here on the left of the picture the Giant's Causeway; that is a rare and curious production of nature. Were any of you ever at the Giant's Causeway? If not, go there, and endeavor to discover the analogy between the conspiracy which the Attorney-General insinuated existed between it and the present defendants. Where do we get in next? To Glendalough, in the county of Wicklow. I find that on the right hand of the card. Look what a serious matter this is. The Giant's Causeway on one hand, and Glendalough on the other. Who can deny that is not rank conspiracy. It was not with the Jacobins of France they were dealing, but with the beauties of Glendalough and the Giant's Causeway. The next place painted on the card was "Achill," in the West, and, lest Mr. O'Connell should be forgotten, here is a very nice picture of Derrynane Abbey; then there are the words "Erin go Bragh"—a little dog, and one of the old Irish harps. I hope the day will never come when a jury will consider such allusions to the ancient glory and music of Ireland, which, it must be acknowledged, is the most touching, the most pathetic and beautiful in Europe—I hope and say the day will never come when such allusions will be considered by a jury as a conspiracy.

There was an explanation written to the card by Mr. O'Callaghan, and it was contended, as one reason for a repeal of the Union, that Ireland was the only nation in Europe that had not a parliament of its own. It was not true "that the Irish people never fought well except out of their own country; they ought to remember Benburb, where the unfortunate Charles the First was backed by the Irish against his rebellious English subjects, who ultimately brought his head to the block." Was it wrong to speak of the brave defence made by the Irish? The treaty exists to this moment which proves what they did. And is it a crime to respect the memory of the brave? I now come to the rules for the Repeal Wardens, upon which the Attorney-General commented so gravely.—They are taken from the rules of the old Catholic Association.

[The learned gentleman read this document, and then continued.]

These rules are copied from those of the old association, and contain instructions to the Repeal Wardens to guard against illegal societies and all combinations against the law.

[Mr. Whiteside then read the rules of the National Association, from which the rules of the Loyal Repeal Association were formed, when

Mr. Justice Burton requested of him to read again rule 2d, containing the denunciation of physical force.

Mr. Whiteside then read the resolutions proposed by the liberator, and which were adopted in July, 1843, and to allow him some rest.

Mr. Henn read the address to the people of Ireland.

Mr. Whiteside, in continuation, adverted to the letter of Mr. S. Crawford, upholding our right to a federal parliament, which, he said, differed but very little from the plan of the liberator for an independent legislature, and asked was it not an important fact that a gentleman of his property and station in the country should have made such a declaration. He then referred to Mr. O'Brien, and asked could they believe that such a man would have joined himself to any body whose purposes was illegal. The learned gentleman spoke of Mr. O'Connell's opposition to the Union from

1800 to the present time ; he spoke of his denunciations of Louis Philippe and of the American slave-owners, and he asked could such a man have any design of appealing to France or America for assistance in the forcible attainment of his ends, and continued.]

I submit, on the whole of this part of the case, that is it impossible, looking to the publicity of their proceedings, the time their opinions were first taken up, the motives that led those people to adopt those opinions, the consistency with which they adhered to them—it is impossible to come to the conclusion from any one thing that has been adopted, and as Lord Erskine says, printed and given to the world for the last twelve months—it is impossible to come to the conclusion that those persons were banded together in a wicked and abominable conspiracy to accomplish their nefarious designs—their preconceived plot, by the wicked means specified in that indictment.

Gentlemen of the jury, Mr. Attorney-General has deprecated, and deprecated strongly, the agitation of this question for a Repeal of the Union. He has told you that there is a fixed settlement forever of the constitutional relations between the two kingdoms. Gentlemen of the jury, the Irish people, or a large mass of them, are of opinion that they do labor under grievances —that there are causes and reasons why they should seek for a Repeal of this Union, and that you are not to condemn them on that ground. The universal people of Ireland look to the composition of the government—they see in it what I would call honorable and excellent men—but they see among that government no one man connected with Ireland, to represent their wants, their wishes, or their grievances. Of self-legislation they are deprived ; of self-government it would seem they are incompetent ; and it is a matter no less of surprise than of concern, that the country which gave birth to a Burke—the teacher of statesmen, the savior of states—cannot now furnish a single individual qualified to share in the administration of the affairs of his native land. You may say, gentlemen, and with truth, that it is a matter of small moment who the individuals may be that compose the ministry of the day,

provided the people are prosperous, contented, and happy. But are the people of Ireland prosperous, contented, and happy? Alas! a large portion of our countrymen are unhappy, discontented, and destitute. They look around for the cause of their misfortunes; they behold a country blessed by Providence with means of wealth, but the strong man pines for a pittance; for a daily sixpence, he strives with gaunt famine in the midst of fertility and plenty. Is he seditious if he exclaims, in the language of indignant remonstrance, that he thinks a native parliament would give him the means of livelihood? Is he criminal to wish for the means of life—is he seditious if he—knowing that his single voice would be unheeded as the idle wind—should join with other men for the declaration of their common wants, their common grievances, and their common sufferings? Is he, or are they conspirators because they think a local parliament might perhaps confer on them those blessings which they now sigh for? They think, perhaps erroneously, that a resident aristocracy and a resident gentry would prove the source of industry and the means of wealth. They see their aristocracy absentees—they see mischief daily and hourly increasing; they think, perchance, a native parliament might induce them to reform, and are they conspirators because they say so? They know, and true it is, the beauties of Ireland—if now, indeed, she has any—are not sufficient to induce her gentry or nobility to return. What are her beauties compared with the fascination of the imperial senate, and the glittering splendor of a court? They see, and they believe that wealth is daily and hourly diminishing in this country. Before them they think there is a gloomy prospect and little hope. They transfer their eyes to this metropolis in which we stand—they see what a quick and sensitive people cannot shut their eyes to. The dwellings of your nobility are converted into boarding houses and barracks —your stamp office is extinguished—your Linen Hall is waste —your Exchange deserted, your University forsaken, your Custom-house almost a poor-house. And, not long since, you may have read a debate with reference to the removal from an asylum, not far from where you sit, of the poor old Irish pensioners, who bravely served their country, to trans-

plant them in their old age to another country, to save a miserable pittance. They see daily and hourly that the expenditure of money is withdrawn from the poorer country to the richer, on the ground of the application of the hard rules of political economy, or the unbending principles of imperial centralization. They look to their parliament house—and the Union has improved it into a bank. In their eyes it stands a monument of past glory and present degradation. The glorious labors of our gifted countrymen within those walls are not yet forgotten.

The works of the understanding do not quickly perish. The verses of Homer have lived two thousand five hundred years without the loss of a syllable or a letter, while cities, and temples, and palaces have fallen into decay. The eloquence of Greece tells us of the genius of her sons, and the freedom which produced it. We forget her ruin in the recollection of her greatness; nor can we read even now, without emotion, the exalted sentiments of her inspired children, poured forth in their exquisite language, to save the expiring liberties of their country. Perhaps their genius had a resurrectionary power, and in later days quickened their degenerate posterity and roused them from the lethargy of slavery to the activity of freedom. We, too, have had among us, in better times, men who approached the greatness of antiquity. The imperishable record of that eloquence will ever keep alive in our hearts a zeal for freedom and a love for country. The comprehensive genius of Flood, the more than mortal energy of Grattan, the splendor of Bushe, the learning of Ball, the noble simplicity of Burgh, the Demosthenic fire of Plunket, and the eloquence of Curran rushing from the heart, will sound in the ears of their countrymen forever. They toiled to save the ancient constitution of Ireland, but wit, learning, eloquence, and genius, lost their power over the souls of men. With one great exception, these, our distinguished countrymen, have passed away, but their memories cannot perish with them. Their eloquence and their names will be remembered by the grateful patriot while genius is honored or patriotism revered.

Lastly, on this subject of the Union, the Irish people say the imperial parliament have not attended to their peculiar

wants. They say our character has been misunderstood, and sometimes slandered: our vices have been magnified into crimes, and the crimes of a few have been visited upon the nation. The Irish, "the mere Irish," have been derided as creatures of impulse, without a settled understanding, a reasoning power, a moral sense. They have their faults, God knows they have—I grieve to say it—but their faults are redeemed by the splendor of their virtues. They have rushed into this agitation with ardor, because it is their nature when they feel strongly to act boldly and speak passionately, ascribe their excesses to their enthusiasm, and forgive. Recollect that same enthusiasm has borne them triumphant over fields of peril and glory—impelled them to shed their dearest blood and offer their gallant lives in defence of the liberties of England. The broken chivalry of France attests the value of that fiery enthusiasm and marks its power; nor is their high spirit useful only in the storm of battle; it cheers their almost broken hearts, lightens their load of misery, when it is almost insupportable, sweetens that bitter cup of poverty which thousands of your countrymen are doomed to drink.

What, that is truly great, without enthusiasm has been won for man? The glorious works of art, the immortal productions of the understanding, the incredible ardor of heroes and patriots for the salvation of mankind, have been prompted by enthusiasm, and nothing else. Cold and dull were our existence here below unless the deep passions of the soul, stirred by enthusiasm, were summoned into action for great and noble purposes—the overwhelming of vice, wickedness, tyranny—the securing and supporting of the world's virtue—the world's hope—the world's freedom. The hand of Omnipotence, by whose touch this island started into existence from amid the waters that surround it, stamped upon its people noble qualities of the intellect and the heart. Directed to the wise purposes for which heaven designed them, they will yet redeem—exalt—regenerate Ireland.

[A loud burst of applause followed the concluding sentence, which was responded to by the people in the hall, continued for several minutes.

Mr. Moore said that his friend Mr. Whiteside being very much exhausted, begged their lordships would permit him to postpone the remainder of his address (as he had not yet concluded all he had to say) to the following morning.

Their lordships at once acceded to this application, and the court adjourned.]

At the next sitting of the court, February 2, Mr. Whiteside rose to resume his address to the jury, but was interrupted by the Chief Justice, who begged he would wait for a moment, and then proceeded to observe : I am not now addressing myself to you, Mr. Whiteside, but I would wish the people in the gallery would attend to what the Court feel right to say with regard to the impropriety which took place yesterday evening. A great deal of cheering and improper noise took place—a just tribute due to the distinguished talents of Mr. Whiteside, but a great indecorum, and improperly committed before the Court. Such a thing cannot be allowed again ; and those who are disposed so to signify their approbation, or disapprobation, of what takes place in this court, must be informed that the court is not the place to show any signs of such feeling ; and they must hold their tongues, and keep quiet. Mr. Whiteside then resumed his address. He said—

I shall draw your attention now, gentlemen, to the charge in this indictment on the subject of the arbitration courts. This single accusation is spread over a great portion of the indictment, and much dwelt upon by my friend, the Attorney-General, in his address to you. I apprehend it would astonish you very much if any of you were prevented on the ground that you recommended one of your brother jurors not to go law. You must recollect the thing to be done, and advised to be done, and how it is to be done—to see if the act itself be legal, and if the means adopted for carrying out of the act be legal also. I submit that it is both a religious and moral duty, if possible, to compromise the subject matter of litigation between two parties, and you will find it in that book, which I am sure is a high authority in your estimation. Next it is a moral duty. In Paley's Moral Philosophy, entitled "Litigation," you will find these words :

"But since it is supposed to be undertaken simply with a view to the ends of justice and society, the prosecutor of the action is bound to confine himself to the cheapest process which will accomplish these ends, as well as to consent to any peaceable expedient for the same purpose; as to a reference in which the arbitrators can do what the law cannot, divide the damage when the fault is mutual, or to a compounding of the dispute by accepting a compensation in the gross without entering into articles and items, which it is often very difficult to adjust separately."

Therefore, the thing recommended to be done is both a religious and moral duty. The law itself respects arbitration and encourages it by every means, and it has occurred frequently in our experience, that while a suit was pending, and after great expense was brought before a judge and jury, it has been suggested by counsel or the court that the subject matter of that dispute shall be referred by consent to discreet men to adjudicate upon it. The statute law of the land recognizes arbitration. By the sixteenth William III., it is provided that it shall be lawful to refer matters to arbitration. By two later statutes, one that is called by the name of the learned gentleman that passed it—Pigot's Act, 3 and 4 Vic., there are provisions introduced to facilitate arbitration and compel the attendance of witnesses. By the fifth and sixth William IV., it is also recognized, and by the fifth and sixth Victoria, where the matter in dispute is under twenty pounds, the arbitration awards are relieved from stamp duty. The statute law recommends arbitration to be adopted where it makes no positive enactment on the subject.

[The learned gentleman referred to the Friendly Societies Act, and several authorities to show that arbitration was recognized, and proceeded.]

Thus, gentlemen, you perceive that religion and morality support and sanction, and that the statutes assist in enforcing arbitration—that arbitration to rest exclusively on the consent of the parties.

[Having referred to Blackstone's Commentaries, in support of this proposition, he proceeded.]

Now gentlemen, to apply this matter to the parole evidence before us. This evidence consisted of the testimony of Hovendon, a policeman. He stated that he was an inspector of poilce;

that he went into a reading room at the Black Rock; he was received with kindness; there were no professional men there in wig or gown; no oath was administered; the parties proceeded solely, and singly, by consent of the parties, and they disclaimed all other jurisdiction. On consent, and consent alone, they acted; two parties appeared before them, and that vital suit was referred to Kingstown, but whether it was settled or not I know not.

Referring to the doctrines I have stated, it is plain that on consent, and consent only, did the parties presume to act. To advise men not to go to law is no crime, but a moral duty, and that several should agree in the recommendation, in the performance of a moral duty, is not a crime. The thing to be done is not illegal, and the question is whether the mode in which it is done is illegal, to carry out the common plot or conspiracy laid in the indictment. Four or five documents were read by the Attorney-General, but they proved nothing —one being the form of summons served by one party on the other. I tell you that if a matter was referred to you by two brother jurors in the box, you must give, and it is the usual practice for gentlemen when a matter is referred, to give and sign the same form of notice apprising the parties they are to come before them on a particular day, and refer the matter in dispute to them, so that allegation is good for nothing.

As to the other document, the form of award, it shows nothing but how a proper award may be made. The statute law prescribes that if the subject matter of arbitration be twenty pounds and upwards, the award must be stamped, that the revenues of the country may be protected. The form of carrying out the award shows only this—that where there is a consent to refer a dispute to A B., here is the form of award in which the consent can be carried into execution; and the directions read state, you are to take notice, that the arbitrators have no power, authority, or jurisdiction, except by consent of such parties as came before them. That was the last rule adopted by the Association; and the proposition of Dr. Gray, that any person that would not abide by the decision of

the arbitrators should be expelled the Association, was not adopted.

There is nothing more in this part of the case but this—a recommendation to the parties to consent to arbitration. That consent is the root of all references to arbitration, and the thing being a moral thing to do, and the means being legal, I submit that this novel, this unprecedented, extraordinary ground of accusation cannot be relied upon in the present case. It is said you did more—you not only induced parties to refer suits to arbitration, but those justices that had been dismissed were to be selected as arbitrators. That has been most strongly pressed by the Attorney-General, and has been over and over again urged. I admit frankly that it was said by Mr. O'Connell and others that they hoped that those persons, being dismissed justices residing in some parts of the country, should be selected or appointed to act on behalf of the people; and they hoped the time would come when the people would be at liberty to elect their magistrates. It arose from a matter merely accidental, and never was intended or contemplated by those who became Repealers. It was long afterward that the act was done which led to the appointment of these ex-justices as arbitrators, and it was not the result of a common design. It arose from the act of the government. They saw that a number of gentlemen of high respectability attended these Repeal meetings, and it is quite plain, from reading the correspondence of the Lord Chancellor, that he did not consider they had thereby done an illegal act.

In his letter of the 28th of May, 1843, he says that it had been his earnest determination not to interfere with expression of opinion by any magistrate in respect to the Repeal of the Union, although, from his arrival in this country, he felt it to be inconsistent with his duty to appoint to the commission of the peace, any one who was pledged to the support of that measure; but he afterward assigns as his reason for dismissing them, that after the discussions in the House of Lords, and the declarations made in parliament by Sir R. Peel, in answer to the plain and distinct question of Lord Jocelyn, he felt it his duty to ask whether they intended to attend any more of these meetings, and if so, to dismiss them. That letter plainly

showed that attending these meetings originally was not an illegal act, and his letter was then merely a warning.

[The learned counsel quoted several high legal authorities to support his argument, and continued:]

Gentlemen, I think the question of arbitration is so far set at rest. I have but one remark more to make, and that is, that before you hold anything to be criminal, merely because it is novel, you will ask and require from the Crown to show you some plain, clear expression in a book of law constituting the criminality of that act.

[Mr. Whiteside referred to the parliamentary debates upon the question of the Union, and read extracts from the speeches of Grattan, Plunket, Bushe, Saurin, etc., to prove the fact that the day would come when the Union would be re-discussed and re-agitated. The learned counsel proceeded:]

Gentlemen of the jury, it has been observed by the Attorney-General,—but very wrongly—that the condition of Ireland at the time the Volunteers were established, warranted them in the resolutions which they adopted, but that the state of the law now does not justify a similar line of conduct. His argument was, that Ireland then had a parliament perfectly independent, and that England obtained, by the enactment of sixth George I., the power to treat her as a dependent country; and, therefore, the Volunteers were justified. But the argument fails.

Lord Coke, in Fourth Institutes, said that it was in the power of the English parliament to bind the people of Ireland, but not unless Ireland was expressly included by name in the act. This was, then, the state of the law in the time of the Volunteers. That Ireland was bound by an English act, when named in it, therefore the Volunteers acted against the letter of the law, though they did not against its spirit. When we had a parliament here—which was deprived of its authority—if it were just to adopt resolutions condemnatory of the English act which deprived that parliament of its power, how much more reasonable is it to adopt resolutions in the spirit of those of the Volunteers, when we have lost that parliament, and all

the benefits of a resident legislature. I find, in looking again at the resolutions, that an ancestor of my friend Mr. Tombs attested, by his own signature, that it was illegal and against the spirit of the law to attempt to bind the people of Ireland by an English act of parliament.

The Attorney-General has said that the act of Union was a great and final settlement; but that assertion destroys the very principle upon which the Union rests. If he says that an act of parliament contains a provision for its finality, then the Volunteers of '82 made no mistake. They found that by the sixth of George I. the parliament of England had presumed to bind the people of Ireland, and they said we must have that act abandoned—repealed—and they succeeded. The parliaments of both countries passed the Declaration of Rights, and the Irish Lord Lieutenant assented to it—adopted it—and called it, in the language of the Attorney-General here, a great and final settlement; yet afterward, the twenty-third of George III. was passed for the purpose of removing all doubts as to the right of the parliament of England being sufficient to bind the people of Ireland. Yet this eternal foundation—this so often asserted finality, was destroyed in 1800. It is curious, too, that the act of Union contains no provision that its finality should not be discussed; and, therefore, the Attorney's argument against the right of the traversers to do so, fails.

[He then read an extract from Molyneux's book on the state of Ireland. The learned gentleman then quoted the passage in which the writer questioned the right of the English government to deprive the Irish people of their ancient privileges, which they had possessed for five hundred years, and proceeded to say:]

The English were so unable to get over the arguments contained in that book, that they ordered it to be burned by the common hangman—a circumstance which increases very much my estimation of the work.

I will next call your attention to the consideration of what Mr. O'Connell has asserted about the revival of the Irish parliament, and I will first, however, dispose of his proposition for the "Renewed action of the Irish parliament." Mr.

O'Connell in that extraordinary document sets forth the whole of the Irish population, and states his opinion, that household suffrage is the best. Why, gentlemen, that is the suffrage we have, at present, in Dublin. Every man who has a house worth ten pounds possesses a vote, and there are very few houses in Dublin that are not worth ten pounds.

The Duke of Richmond, who was examined by Mr. Erskine on the trial of Hardy, was of opinion that the whole system of the franchise was corrupt, and that every man who had not committed a crime ought to have a vote; and that there ought to be annual parliaments, vote by ballot, etc., all of which was very well for a duke. And in his letter to Colonel Sharman he (the Duke of Richmond) states that he is of opinion that the two nations should have but one parliament, provided the sovereign of England should reside a reasonable time in this country, and hold her imperial parliament in it, which he said her Majesty could do with a scrape of her pen—and, gentlemen, I hope she may. It is a positive insult to the understanding of any man to say that such a state of things would not be a positive benefit to the country, improve her trade, her manufactures, and her resources. Even our own profession would be benefited by it; for the residence of her most gracious Majesty in this country would be no bar to her loyal subjects to go to law.

The Attorney-General adopted the Socratic doctrine in his argument with us: he put questions to us. Now, I am not to be held accountable for the doctrines propounded by others who have spoken before me. But can it be said, as was alleged, that it is revolutionary to state that every town possessing ten thousand inhabitants should have a representative? Why, that is but the principle of the Reform Bill. Mr. O'Connell also says that every man who marries shall have a vote. I think there can be no objection on that score—and that the conspiracy on that ground may be abandoned; and certainly such a question could not be submitted to a more favorable jury, for you are all married. Has Mr. O'Connell said that her Majesty was to be pulled from her throne—the House of Peers to be abolished—and the House of Commons extinguished? No. What then has he done? He has been guilty of the

monstrous proceeding of extending the royal prerogative! The Attorney-General—the legal champion of the Crown—charges it as a crime against Mr. O'Connell that he said the Queen has a larger, wider, and more extended prerogative than her Majesty possesses. Where is the authority in which it is laid down that the man who propounded such a proposition is to be charged as a conspirator? What authority is there for saying that Mr. Duffy, Mr. Steele, or any one else, is to be charged with conspiracy, because when they heard such a proposition they did not say to the person propounding it, cite us some authority; cite us your case. Suppose Mr. O'Connell, instead of saying that parliament should be reformed—that a parliament should be given to Ireland—said, sir, I am of opinion that parliament is a humbug—a nuisance; that her Majesty has a perfect right to rule, independent of either House of parliament. Why, what would be the consequence? I cite a case in point.

A celebrated writer in England wrote a book, in which he said that the House of Commons might be dispensed with. That was voted to be a scandalous and seditious libel by the House, and the Attorney-General of the day was directed to prosecute the writer. He was accordingly prosecuted, and the case is to be found in Peak's cases in the King's Bench. It is called the King *v.* Reeves. Lord Kenyon there laid it down that the power of free discussion was the right of every subject of this country—a right to the free exercise of which we were indebted, more than to any other claimed by Englishmen, for the enjoyment of all the blessings we possess—for the Reformation—the revolution—and our emancipation from the tyranny of the Stuarts, etc., etc.,—and that in a free country like this the productions of a political writer should not be hardly dealt with. He directed the jury to read through the whole book, and then form their judgment on the entire work. That was his charge, and do you wonder that the people of England should be so much attached to the judicial system under which they live, when you hear laid down by the Lord Chief Justice of England a doctrine so constitutional—so favorable to freedom and the right of the subject as that doctrine. The jury in that case retired; they had the book

before them, and though they decided that the book was improper, yet, nevertheless, they thought that he was not actuated by any bad intention; and Lord Kenyon said he approved of their verdict. That was the doctrine propounded from the bench, and the jury having looked with the eye of men of sense, qualified their verdict by saying they deprecated what was said by the defendant, the mode in which he conducted his argument; but they found their verdict of not guilty, and the Lord Chief Justice said he approved of their decision. Therefore, if Mr. O'Connell said her Majesty may dispense with the House of Lords, he would be safe according to the authority of that case. If he said the Queen might dispense with the House of Commons, he would be safe according to the authority of that case. But what has he said? That the Irish peerage might be restored to the position in which it once stood—that the House of Lords would be Protestant, and that the House of Commons ought to be restored.

In England the right of free discussion is the right of Englishmen, and I put it to your good sense to say whether the arguments of the writer of that book, or Mr. O'Connell's argument is more consistent with the principles of the constitution under which we live?

Gentlemen, the power and prerogative of the Crown to issue writs seems to have been a very extensive power—at least, as it was formerly exercised. In the reign of Elizabeth, she, wishing to have a majority, sent the writs to only fifty boroughs and left out ten. There are very remarkable instances where the Crown have withheld writs from places entitled to send representatives to parliament as to numbers. Looking to the parliamentary history, we find the most elaborate discourse ever spoken. It was by Sir John Davies, the Attorney-General to King James the First, and was to be found in "Leland's History of Ireland." In that discourse you will see the right King James the First had for what he did do, to create forty boroughs in the north of Ireland in one day. It was questioned in that parliament whether he had a right to do so—the question was discussed—carried over to England, and it was decided in favor of his right, and those persons so elected

under his writs sat in parliament to the period of the Union. The last instance of the kind was the issuing of a writ for the borough of Newark, and it was decided in the House of Commons by a very large majority that the sovereign had a right to create the borough.

Mr. O'Connell's argument was this, that the sovereign has still the power to create boroughs in England. Chitty, in his work on the prerogatives of the Crown, enters into that question, and says there was nothing to take away the prerogative of the Crown in that respect. Then, if it does exist, the Union is in the power of the sovereign, and that learned writer says it is in the power of the Crown to create boroughs as they did before. The learned counsel said, there are two general considerations that I shall advert to on the subject matter of this case: that is, whether the general conduct pursued by the defendants showed they were governed by motives that actuate men engaged in a conspiracy, and whether the general conduct pursued by the government showed that the government believed they were engaged in a conspiracy. How did the defendants act? Everything they did, everything they wrote, everything they spoke was before the public; every morning their speeches appeared in the frigid Saunders, and at night in the fiery Pilot, and they sent up to the government proof of their guilt, and evidence for their conviction. They are spoken openly and in daylight, those dark projects, those treasonable designs, these hidden contrivances; their rules are given to the public—they employed the printer of the Crown to print them; and they declared their object to be the peaceable organization of the people—to concentrate popular opinion, and carry out the objects they had in view, and that was a legitimate and proper object. What was the conduct of the government? Did that government show they believed that there existed in this country a conspiracy, beginning in March, and continuing up to October? If those publications were seditious, and proof of a conspiracy; if they were incentives to rebellion, and calculated to poison the public mind, and infect popular feeling in this country, for two whole years the court sat in which the Attorney-General had the right from his high station, to do what he thought proper in the defence of the law and consti-

tution, on any of those publications that are now asserted to be extraordinary seditions, and why have they not been prosecuted by him? And I retort on him the argument he used, that if it were mischievous in those defendants, or any of them, to spread poison through the land, it is more mischievous in the champion of the government, the sentinel of the state, not at once to come forward and stop the mischief when it might be stopped.

Parliament sat until the month of August, and I call your attention to the discussion to which the Attorney-General referred—the question put by Lord Jocelyn to the minister, and the evasive answer given by that minister. I call upon you to recollect that up to the latter end of August that parliament sat, and nothing was more easy than for this ministry, commanding a majority of that House, to say—"We put down the Catholic Association by the statute law—we put down unlawful combination—we put down the Protestants of the North; and give us now only a short act of parliament to put down those who disturbed the public peace. They were not called upon to do it, and they did not do it. They remain quiet until parliament breaks up—his Excellency, for whom I have the highest respect—retires from Ireland for the cultivation of those elegant tastes with which we know he is so familiar—the Chancellor is on the banks of the Thames, musing on law, and reading of Pope—the noble Secretary for Ireland has got into some quiet and lonely dell—the Attorney-General has escaped from the delights of St. Stephen's Green to enjoy the tranquillity of home—the Solicitor-General is indulging in the most agreeable anticipations of the future. The Prime Minister is gone to Drayton, her Majesty to sea—Ireland is left to go head-forward to destruction. The conspiracy is raging through the land—all the ministers leave the country just before the explosion is to take place. The meeting at Clontarf is announced, and how shall I describe it?—as a black cloud hung on the declivity of the mountain—a dangerous activity on the part of the government succeeds a dangerous silence, couriers fly here and there to summon our English functionaries. They say, here is sedition; where is his Excellency; where is the Lord Chancellor? Here is a matter of political

expediency. Where is the noble Secretary? True, when pressed, the Attorney-General grew ardent, the Solicitor-General apprehensive: they were, I believe, seen together on the sea-shore, straining their eyes toward the coast of England, and they were heard to exclaim:

> "Ye gods, assimilate both time and space,
> And make two lawyers happy."

They come, they come, the Privy Council is assembled. I cannot tell you, gentlemen, what passed, or what was said, at the first meeting of the august body; the Robertson or Gibbon of future times may tell. I'll tell you what they do: they do nothing, the do-nothing policy prevailed; and on Friday they separated, having done nothing, with the happy consciousness that they had done their duty. Refreshed by sleep, they reassembled on Saturday. They pondered, they composed, they publish, and the proclamation is issued at three o'clock forbidding the meeting, for which meeting there were thousands on the march almost at that very moment, to attend next morning. The commander-in-chief receives his order, and prepares for battle; the cannon is loaded, the bayonet is fixed, the cavalry mount, and forth marches our victorious army in all "the pride, pomp, and circumstance" of glorious war. It was a glorious sight to see. The advance guard by a brisk movement pushed on and seized Aldborough House. The light infantry, protected by cavalry, rush forward, the army are placed in position, the pigeon-house bristled with cannon and looked awful, and the police skirmished, and the commander-in-chief—what did he do? It is stated that Sir Edward Blakeney at one o'clock rode down to inspect the troops, approved of what was done, rode home and dined! and if he does not get a peerage for the happy deeds he did that day, justice will not be done to Ireland. Such a triumph was never achieved since the renowned days of Irish history, when Brian Boroihme buckled on his mighty sword and smote the Danes.

To be serious, was that a wise, consistent, judicious course of policy to make the law understood, respected, and obeyed? Was it not the last policy that should be resorted to for the

purpose of governing so peculiar a people as the Irish? The meeting at Donnybrook was not forbidden; the Clontarf meeting was to be put down by the bayonet. Will constitutional knowledge be much edified by the body of that most interesting document, that learned and great performance, the proclamation, which it fulminated at the very last moment, when the meeting is on the point of being held, although other meetings of the same character and nature have been endured by that same government? Do the Irish laws vary with season, and is that law in June that is not law in October? For the Attorney-General said the meeting at Donnybrook was the type of all the other meetings that were held; and I put it to your own unbiased nature if it were; if the government saw the men that went to that meeting, passing by the Castle Gate, and knew it was held, and were aware of it; they read the speeches, they had their reporters there, and knew everything that passed,—why not then put down those meetings? Heated, inflamed, they see an enthusiastic people in pursuit of a darling object. Which are the most blamable, the people for holding those meetings that they did not see denounced or put down by the law, or the ministry that stood by and witnessed the folly, and knew of the madness that allowed the mischief to prevail and spread over the country until it was to burst forth like a fiery volcano, and sweep the country in a torrent of devastation? and then they call upon you to convict my client. If you convict my client, you convict the government. If you desire to acquit the government, you will acquit my client.

These men are chosen by her Majesty to govern this great empire, the peace of the country is intrusted to their hands. Your lives and property, it is asserted, are in jeopardy; that a black conspiracy has existed in this country since the month of March, that they knew it, and were aware of every act done in pursuance of that conspiracy; they did no act to put it down; they allowed the seditious speeches to proceed, and men to harangue the people; they read them, they noted them, but they took no proceedings, they asked no aid from parliament to stop them, and now they want to get themselves clear of all possible blame, not meaning to say that the prosecution

is not a bona fide prosecution, but at the last moment they try these men as guilty of an illegal act. In the ordinary course of human affairs, the most powerful and conclusive admissions will be drawn from the conduct of parties, but in cases of political conspiracy between the Crown and the subject, it is for you to take care, and great care, that it should not be in the power of the government to-day to say a certain thing by their conduct, as significant as their acts and declarations is lawful, and not to be censured; and then to allow them to draw together all the incautious language, all the violence that several public men have fallen into for a period of ten months, and put them all in an indictment, to overload the memory, and confuse the understanding by the mass of paper that has been put upon the table; and to tell twelve honest men, who are governed by no other desire than to do justice, to spell out of the whole a black conspiracy, to subvert the monarchy, to uproot the constitution that you have sworn to protect, and to take away the prerogative of the Crown. I take the liberty to say this, that it is impossible for you to believe, nor do I believe, that the learned gentlemen I see before me ever thought there was a conspiracy. I don't believe they thought it amounted to a conspiracy. They did not during all that time prosecute for a conspiracy. It is unworthy of the great and very distinguished government which prosecutes in the present instance, to direct the thunders of their indignation against the enthusiastic young author of the "Memory of the Dead." Let the Solicitor-General tell how the government of England punished Mr. Moore for poems not a whit more indicative of conspiracy (if conspiracy indeed there be) than the stanzas which have been read to you. Let him tell you how Moore was punished for writing such lines as these in the "Lamentation of Aughrim:"

Could the chain for an instant be riven
Which tyranny flung round us then,
Oh! 'tis not in man nor in heaven
To let tyranny bind it again.

But 'tis past; and though blazoned in story
The name of our victor may be,
Accursed is the march of the glory
Which treads o'er the hearts of the free.

He will tell you how the bard was punished for penning the song of "Rourke, Prince of Breffny," and inserting in it such lines as these:

Already the curse is upon her,
And strangers her valleys profane:
They come to divide—to dishonor;
And tyrants they long will remain.

But onward!—the green banner rearing,
Go flash every sword to the hilt:
On our side is Virtue and Erin;
On theirs is the Saxon and Guilt.

Yes, gentlemen, the author of the "Adventures of an Irish Gentleman in search of a Religion," and of the "Memoirs of Lord Edward Fitzgerald," was punished. But how was he punished? He was punished by a pension from the English government—yes, Moore was punished with a pension for his sedition; and you, gentlemen of the jury, are now solicited to bring a verdict of "guilty" against the writer of this song, and to declare your conviction that the emanation of a mind, young, ardent, poetical, and imaginative, though mistaken, was written in furtherance of a common plan and design of the most infamous nature! However ardent the youth of Ireland may be, it should never be forgotten of them that they never forgot their loyalty to their sovereign, even when in 1715 and 1745 the best blood of England and of Scotland bedewed the scaffold, in consequence of the mad and well-nigh successful, attempt to dislodge the present royal family from the throne of these countries, the Irish were faithful even to the death. Are not the free subjects of a free state to be permitted to raise their voices in constitutional protestation and remonstrance, when they think that their interests are endangered or injured? Scott, the most cautious of writers, was once called upon to decide between his attachment to his party and his love of Scotland. The British ministry declared their intention to introduce, regardless of the feelings of the Scottish people, who considered that their interests were vitally concerned, a bill in reference to the joint-stock banks of Scotland. The Scotch thought that they would be injured by the contemplated bill; and Sir Walter Scott, fired with indigna-

tion at the idea that the act should be introduced without consulting the wishes and feelings of his countrymen, wrote under the signature of "Malachi Malgagrouther," a series of letters, which excited such a flame of indignation in the country from north to south, from east to west, that the minister of the Crown was obliged to fly away, with his obnoxious bill under his arm, just as the Attorney-General should be forced to fly off with his monster indictment on his shoulder, for it would not fit under any man's arm.

But hear how Sir Walter Scott expressed his indignation.

[The learned counsel read an extract from page 320 of "Malachi Malgagrouther's Letters."]

The British minister failed, for the Scotch said, "we must get our joint-stock banks," aye, and they did succeed in getting them; and are we not a country as good as Scotland, that succeeded in wringing from the British minister their rights in what they considered a mercantile point of view? Was that to be done in a cold and servile manner? Do you think Scott did it in that cold and mawkish manner, and said, as we lawyers say, "Oh! I respectfully submit." Not he; he too well knew that he might as well be whistling jigs to a milestone, and therefore he went boldly about the task, and Sir Walter Scott succeeded in making his country, which contained about one quarter of the number of inhabitants that Ireland did—he succeeded, I say, in making her happy, respectable, and great, while we remain a poor pitiful, pelting province. I am not ashamed to say this. I hope the people of Ireland will combine in the one cause, and that is the cause of their common country, for the common good of that country, for the good of this ancient kingdom, that she may once again flourish in the world's history. Gentlemen, I now come to the shuffling of the indictment, and what do you think the Attorney-General relies on a part of it for? Why, a letter signed "Delcassian" in the Nation newspaper. Delcassian treason of course. This letter has reference to one of the lakes in Ireland called "Lake Belvidere;" it says "we don't want lakes at all; let us have loughs, and then it will look like Irish; we want no Italian or German names at all; let us have Irish names:" and it farther stated

that "Roderick, one of the last Kings of Ireland, died on an island in that lake." That's conspiracy. But I cannot see anything very wrong in that; and I venture to assert that if every reader of the Nation in existence was put on the table, and asked by virtue of your oath, Do you remember the letter of Delcassian? he would boldly say, On my oath, I do not remember a word about it. And that is a part of the conspiracy charged in the indictment, and sought to be palmed on you as treason, along with Ollam Fodlham, and the other old gentlemen, who lived in his days. That is one part of the charge; and now I come to that which they rely on for a conviction! The subject is from the same paper, the Nation, of the 25th of April. This is headed, "Something is Coming, aye, for good or ill, something is coming."

[He proceeded to read the article, commenting generally on it as he proceeded, and said the article was calculated to conciliate all parties, for it should be remembered that there were political storms as well as physical hurricanes.]

It said that coolness was the only thing. Is there anything, I ask, inflammatory in advising the people to be cool and steady? I can't see there is, although the Attorney-General wishes you to believe there is.

The people are sober now; and I respectfully submit there is nothing of conspiracy in that. Let them be kind and conciliating to the Protestants; neither can I see anything in that; but every person don't view things in the same light as the Attorney-General does. I don't think it is wrong in a writer to endeavor to conciliate Protestants, because he well knew there were 800,000 good Presbyterians in the north of Ireland who were strong-minded men, who reasoned well; and who, once they took up a subject, and were convinced of the utility of it, would not cease until their object was accomplished. The writer knew the difficulty of getting these men out, and therefore he wanted to conciliate them. And I don't see anything wrong in that, for their assistance would be valuable to the Repeal cause; and, let me ask, what other mode could be adopted? It was recommended by Mr. O'Connell; it was recommended by Sir Walter Scott, and with effect; and this was the ground the Crown went on for a conviction, be-

cause the writer in the Nation endeavored to conciliate his Protestant brethren. They (the Nation) say they differ from Mr. O'Connell, and, I ask you, is that a sign of conspiracy? I say the newspapers do not speak the conclusions of the association, and, therefore, there is no conspiracy between them, and you had that from Jackson, who proved it on this table, and yet the Attorney-General wants to put that ostensible meaning on it, but you are not to give it a meaning not warranted by the facts. The next article they rely on is the article headed "Our Nationality," a thing that will be always objected to by our brethren at the other side of the water, or, at least, by the ministry, and the only thing they set out in that is the word "clutched." It is rather curious that Mr. Barrett used that word also in a speech made by him. "Oh," says Mr. Barrett, "he will think like the old woman's cow;" and mind, gentlemen, Mr. Attorney-General puts the old woman's cow into the indictment. We will think, says he, like that, until we clutch what——! Our nationality. It was not the Queen, or the Chief Justice or the Prime Minister, or the Attorney-General they were about clutching, but their nationality, their independence. I ask you, is this to be brought up in judgment against the defendant? I ask any one man of you here, if he were on his oath, has he not read worse articles in the English papers, calculated to irritate the people of England, and inflame their minds, none of which were prosecuted but passed by and forgotten. The advertisement about the Clontarf meeting was not what it should be, but was it not when observed by Mr. O'Connell at once withdrawn?

I have shown you that the true object of that document in the Nation was that there should be a grand procession to Clontarf. At the request of some Protestant clergymen it was given up, as it was the Sabbath day, and the time of divine service, and even the streets were avoided in which places of worship were. I rely on this to show that no offence was intended; but as they had proceeded in a procession to Donnybrook, they considered that they might do so to Clontarf. There is one article more I shall trouble you with; but I must remark that I cannot approve of the unjust and intemperate observations which were sometimes made upon the English

nation; for them, a great, free, and magnanimous peole, I object to reviving the recollections of past struggles and contentions. They can only be usefully recalled for one purpose, and I hope and believe it was for that purpose, to show the people the errors of their forefathers, and by the warning teach how to shun them. Let silence forever cover, let darkness hide them, let no hand withdraw the veil that conceals them, or if it touches them, let it be for a holy and useful purpose, to imbibe morality and peace from the lessons of the past. Gentlemen of the jury, I have no more to say upon that part of the case. I admit that strong language has been used, and I regret it. The term "Saxon" has been applied to Englishmen. Mr. O'Connell has entirely renounced it at the request of an English gentleman; I believe he borrowed it from Moore. Moore was wrong to have used it. Yet, probably, when the trials are over, if I called upon the learned gentleman (pointing to the Solicitor-General) I would find "Moore's Melodies," and "The Irish Gentleman in search of a Religion," upon his table; yet, perhaps, if he knew who knocked at the door he would, like the lady in the play, thrust one into a drawer, and put the other under the table. The last document which I shall refer to is, "The Morality of War," which the Attorney-General has dwelt upon so eloquently, and translated with not a little freedom into "The Morality of Rebellion." It seems that from the first moment it met his eye it startled his legal mind. But if it was the dreadful article he appears to have believed it to be, it astonishes me that he did not at once run off with it to the government, and exclaim, "I will forthwith file an information in the Queen's Bench against the author." Gentlemen, I wish to address you on a particular question arising out of the great and momentous case before you. I have told you what constitutes the great crime of conspiracy; it is one of combination, and is fearfully set forth in books, so often quoted in the history of the state trials of England, where there are terrible examples given of wrong verdicts, by which men were deprived of their liberty, their lives, and by which innocence was struck down. But, on the other hand, there were in those state trials great and glorious examples of tri-

umphs over power, over the Crown, and over kings, as in the case of Hardy on parliamentary reform, and in the case of Horne Tooke, who saved public opinion so far from being extinguished in England, and which would have been the case had not the jury interfered. In later days, in the days of the second James, the seven bishops were charged with a conspiracy for asserting the opinion of freedom; but then a jury also interfered, and those bishops were acquitted, and acquitted amid those shouts which proclaimed universal freedom. In darker periods of history, in the times of Cromwell, who usurped the monarchy, and all under the sacred name of religion, yet dared not to abolish the forms of public justice, they so prevailed and subsisted, that when, in the plenitude of his power, he prosecuted for a libel, there were twelve honest men who had the courage not to pronounce the defendant guilty, thus proving that the unconquerable love of liberty still survived in the hearts of Englishmen. I will say that the true object of this unprecedented prosecution is to stifle the discussion of a great public question. Reviewed in this light, all other considerations sink into insignificance; its importance becomes vast, indeed. A nation's rights are involved in the issue, a nation's liberties are at stake. These won, what preserves the precious privileges you possess? The exercise of the right of political discussion—free, untrammelled, bold. The laws which wisdom framed, the institutions struck out by patriotism, learning, or genius, can they preserve the springs of freedom fresh and pure? No; destroy the right of free discussion, and you dry up the sources of freedom. By the same means by which your liberties were won can they be increased or defended.

Do not quarrel with the partial evils free discussion creates, nor seek to contract the enjoyment of the greatest privilege within the narrow limits timid men prescribe. With the passing mischiefs of its extravagance, contrast the prodigious blessings it has heaped on man. Free discussion aroused the human mind from the torpor of ages, taught it to think, and shook the thrones of ignorance and darkness. Free discussion gave to Europe the reformation which I have been taught to believe the mightiest event in the history of the human race, which illuminated the world with the radiant light of spiritual

truth. May it shine with steady and increasing splendor! Free discussion gave to Engand the revolution, abolished tyranny, swept away the monstrous abuses it rears, and established the liberties under which we live. Free discussion, since that glorious epoch, has not only preserved but purified our constitution, reformed our laws, reduced our punishments, and extended its wholesome influence to every portion of our political system. The spirit of inquiry it creates has revealed the secrets of nature, explained the wonders of creation, teaching the knowledge of the stupendous works of God. Arts, science, civilization, freedom, pure religion, are its noble realities. Would you undo the labors of science, extinguish literature, stop the efforts of genius, restore ignorance, bigotry, barbarism, then put down free discussion, and you have accomplished all. Savage conquerors, in the blindness of their ignorance, have scattered and destroyed the intellecual treasures of a great antiquity. Those who make war on the sacred rights of free discussion, without their ignorance imitate their fury. They may check the expression of some thought, which might, if uttered, redeem the liberties or increase the happiness of man. The insidious assailants of this great prerogative of intellectual beings, by the cover under which they advance, conceal the character of their assault upon the liberties of the human race. They seem to admit the liberty to discuss—blame only its extravagance, pronounce hollow praises on the value of freedom of speech, and straightway begin a prosecution to cripple or destroy it. The open despot avows his object is to oppress or to enslave; resistance is certain to encounter his tyranny, and perhaps subvert it. Not so the artful assailant of a nation's rights; he declares friendship while he wages war, and professes affection for the thing he hates. State prosecutions, if you believe them, are ever the fastest friends of freedom. They tell you peace is disturbed, order broken, by the excesses of turbulent and seditious demagogues. No doubt there might be a seeming peace, a deathlike stillness, by repressing the feelings and passions of men. So in the fairest portions of Europe this day, there is peace, and order, and submission, under paternal despotism, ecclesiastical and civil. That peace springs from terror, that submis-

sion from ignorance, that silence from despair. Who dares discuss, when with discussion and by discussion tyranny must perish? Compare the stillness of despotism with the healthful animation, the natural warmth, the bold language, the proud bearing, which spring from freedom and the consciousness of its possession. Which will you prefer? Insult not the dignity of manhood by supposing that contentment of the heart can exist under despotism. There may be degrees in its severity, and so degrees in the sufferings of its victims. Terrible the dangers which lurk beneath the calm surface of despotic power. The movements of the oppressed will, at times, disturb their tyrant's tranquillity, and warn him their day of vengeance or of triumph may be nigh. But in these happy countries the very safety of the state consists in freedom of discussion.

Partial evils in all systems of political governments there must be; but their worst effects are obviated when their cause is sought for, discovered, considered, discussed. Milton has taught a great political truth, in language as instructive as his sublimest verse: "For this is not the liberty which we can hope, that no grievances ever should arise in the commonwealth—that let no man in this world expect, but when complaints are freely heard, deeply considered, and speedily reformed; then is the utmost bound of civil liberty obtained that wise men look for." Suffer the complaints of the Irish people to be freely heard. You want the power to have them speedily reformed. Their case to-day may be yours to-morrow. Preserve the right of free discussion as you would cling to life. Combat error with argument, misrepresentation by fact, falsehood with truth. "For who knows not," saith the same great writer, "that Truth is strong, next to the Almighty. One needs no policies nor stratagems to make her victorious—these are the shifts Error uses against her power." If this demand for a native parliament rests on a delusion, dispel that delusion by the omnipotence of truth. Why do you love—why do other nations honor England? Are you—are they dazzled by her naval or military glories, the splendor of her literature, her sublime discoveries in science, her boundless wealth, her almost incredible labors in every work of art and skill? No; you love her—you cling to England because she

has been for ages past the seat of free discussion, and, therefore, the home of rational freedom, and the hope of oppressed men throughout the world. Under the laws of England it is our happiness to live. It breathes the spirit of liberty and reason. Emulate this day the great virtues of Englishmen—their love of fairness—their immovable independence, and the sense of justice rooted in their nature—these are the virtues which qualify jurors to decide the rights of their fellow men. Deserted by these, of what avail is the tribunal of a jury? It is worthless as the human body when the living soul has fled. Prove to the accused, from whom, perchance, you widely differ in opinion, whose liberties and fortunes are in your hands, that you are there not to prosecute but to save. Believe me, you will not secure the true interests of England by leaning too severely on your countrymen. They say to their English brethren, and with truth—we have been at your side whenever danger was to be faced or honor won—the scorching sun of the east and the pestilence of the west. We have endured to spread your commerce—to extend your empire—to uphold your glory. The bones of our countrymen whitened the fields of Portugal, of Spain, of France. Fighting your battles they fell—in a nobler cause they could not. We have helped to gather your imperishable laurels. We have helped to win you immortal triumphs. Now, in time of peace, we ask you to restore that parliament you planted here with your laws and language, uprooted in a dismal period of our history, in the moment of our terror, our divisions, our weakness, it may be—our crime. Re-establish the Commons on the broad foundation of the people's choice; replace the Peerage, the Corinthian pillars of the capitol secured and adorned with the strength and splendor of the Crown, and let the monarch of England, as in ages past, rule a brilliant and united empire in solidity, magnificence, and power. When the privileges of the English parliament were invaded, that people took the field, struck down the ministry, and dragged their sovereign to the block. We shall not imitate English precedent. While we struggle for a parliament, its surest bulwark, that institution you prize so highly, which fosters your wealth, adds to your prosperity, and guards your freedom, was ours for six hundred

years. Restore the blessing, and we shall be content. This prosecution is not essential for the maintenance of the authority and prerogative of the Crown. Our gracious sovereign needs not state prosecutions to secure her prerogatives or preserve her power. She has the unbought loyalty of a chivalrous and gallant people. The arm of authority she requires not to raise. The glory of her gentle reign will be—she will have ruled, not by the sword, but by the affections; that the true source of her power has been, not in terrors of the law, but in the hearts of her people. Your patience is exhausted. If I have spoken suitably to the subject, I have spoken as I could have wished; but if, as you may think, deficiently, I have spoken as I could. Do you, from what has been said, and from the better arguments omitted, which may be well suggested by your manly understandings and your honest hearts, give a verdict consistent with justice, yet leaning to liberty—dictated by truth, yet inclining to the side of accused men, struggling against the weight, and power, and influence of the Crown, and prejudice more overwhelming still—a verdict undesired by a party, but to be applauded by the impartial monitor within your breasts, becoming the high spirit of Irish gentlemen, and the intrepid guardians of the rights and liberties of a free people.

THOMAS FRANCIS MEAGHER.

SPEECH AT CONCILIATION HALL, DUBLIN,

JULY 28, 1846.

MY LORD MAYOR: I will commence as Mr. Mitchell concluded, with an allusion to the Whigs.

I fully concur with my friend, that the most comprehensive measures which the Whig minister may propose, will fail to lift this country up to that position which she has the right to occupy, and the power to maintain. A Whig minister, I admit, may improve the province—he will not restore the nation. Franchises, tenant compensation bills, liberal appointments may ameliorate, they will not exalt; they may meet the necessities, they will not call forth the abilities of the country. The errors of the past may be repaired—the hopes of the future will not be fulfilled. With a vote in one pocket, a lease in the other, and "full justice" before him at the petty sessions, in the shape of a "restored magistrate," the humblest peasant may be told that he is free; trust me, my lord, he will not have the character of a freeman, his spirit to dare, his energy to act. From the stateliest mansion down to the poorest cottage in the land, the inactivity, the meanness, the debasement, which provincialism engenders, will be perceptible.

These are not the crude sentiments of youth, though the mere commercial politician, who has deduced his ideas of self-government from the table of imports and exports, may satirize them as such. Age has uttered them, my lord, and the experience of eight years has preached them to the people.

A few weeks since, and there stood up in the court of Queen's Bench an old and venerable man to teach the country the lessons he had learned in his youth, beneath the portico of the Irish Senate House, and which during a long life



WILLIAM SMITH O'BRIEN.

he had treasured in his heart, as the costliest legacy a true citizen could bequeath to the land that gave him birth.

What said this aged orator?

"National independence does not necessarily lead to national virtue and happiness; but reason and experience demonstrate that public spirit and general happiness are looked for in vain under the withering influence of provincial subjection. The very consciousness of being dependent on another power for advancement in the scale of national being, weighs down the spirit of a people, manacles the efforts of genius, depresses the energies of virtue, blunts the sense of common glory and common good, and produces an insulated selfishness of character, the surest mark of debasement in the individual, and mortality in the state."

My lord, it was once said by an eminent citizen of Rome, the elder Pliny, that "we owe our youth and manhood to our country, but our declining age to ourselves." This may have been the maxim of the Roman—it is not the maxim of the Irish patriot. One might have thought that the anxieties, the labors, the vicissitudes of a long career, had dimmed the fire which burned in the heart of the illustrious Roman whose words I have cited; but now, almost from the shadow of death, he comes forth with the vigor of youth, and the authority of age, to serve the country in the defence of which he once bore arms, by an example, my lord, that must shame the coward, rouse the sluggard, and stimulate the bold. These sentiments have sunk deep into the public mind; they are recited as the national creed. Whilst these sentiments inspire the people, I have no fear for the national cause. I do not dread the venal influence of the Whigs.

Inspired by such sentiments, the people of this country will look beyond the mere redress of existing wrong, and strive for the attainment of future power.

A good government may, indeed, redress the grievances of an injured people, but a strong people alone can build up a great nation. To be strong, a people must be self-reliant, self-ruled, self sustained. The dependence of one people upon another, even for the benefits of legislation, is the deepest source of national weakness. By an unnatural law it exempts a people from their just duties—their just responsiblities. When you exempt a people from these duties, from these re-

sponsibilities, you generate in them a distrust in their own powers. Thus you enervate, if you do not utterly destroy that spirit which a sense of these responsibilities is sure to to inspire, and which the fulfillment of these duties never fails to invigorate. Where this spirit does not actuate, the country may be tranquil—it will not be prosperous. It may exist, it will not thrive. It may hold together, it will not advance. Peace it may enjoy—for peace and freedom are compatible. But, my lord, it will neither accumulate wealth nor win a character; it will neither benefit mankind by the enterprise of its merchants nor instruct mankind by the example of its statesmen.

I make these observations, for it is the custom of some moderate politicians to say, that when the Whigs have accomplished the "pacification" of the country, there will be little or no necessity for Repeal. My lord, there is something else, there is everything else to be done when the work of "pacification" has been accomplished—and here it is hardly necessary to observe that the prosperity of a country is perhaps the sole guarantee for its tranquillity, and that the more universal the prosperity, the more permanent will be the repose.

But the Whigs will enrich as well as pacify. Grant it, my lord. Then do I conceive that the necessity for Repeal will augment. Great interests demand great safeguards. The prosperity of a nation requires due protection of a senate. Hereafter a national senate may require the protection of a national army.

So much for the extraordinary affluence with which we are threatened, and which, it is said by gentlemen on the opposite shore of the Irish Sea, will crush this association, and bury the enthusiasts, who clamor for Irish nationality, in a sepulchre of gold. This prediction, however, is feebly sustained by the ministerial programme that has lately appeared.

On the evening of the 16th the Whig premier, in answer to a question that was put to him by the member for Finsbury, Mr. Duncombe, is reported to have made this consolatory announcement:

"We consider that the social grievances of Ireland are those which are most prominent, and to which it is most likely to be in our power to afford, not a complete and immediate remedy, but some remedy, some

kind of improvement, so that some kind of hope may be entertained that, some ten or twelve years hence, the country will, by the measures we undertake, be in a far better state with respect to the frightful destitution and misery which now prevail in that country. We have that practical object in view."

After that most consolatory announcement, my lord, let those who have the patience of Job and the poverty of Lazarus, continue, in good faith, "to wait on Providence and the Whigs," continue to entertain "some kind of hope," that if not "a complete and immediate remedy," at least "some remedy," "some improvement," will place this country "in a far better state" than it is at present, "some ten or twelve years hence." After that let those who prefer the periodical boons of a Whig government, to that which would be the abiding blessing of an Irish parliament—let those who deny to Ireland what they assert for Poland—let those who would inflict, as Henry Grattan said, "an eternal disability upon this country," to which Providence has assigned the largest facilities for power; let those who would ratify the "base swap," as Mr. Sheil once stigmatized the Act of Union, and who would stamp perfection upon that deed of perfidy—let such men—

> "Plot, led on in sluggish misery,
> Rotten from sire to son, from age to age,
> Proud of their trampled nature."

But we, my lord, who are assembled in this hall, and in whose hearts the Union has not bred the slave's disease—we who have not been imperialized—we are here with the hope to undo that work, which forty-six years ago dishonored the ancient peerage and subjugated the people of our country.

My lord, to assist the people of Ireland to undo that work, I came to this hall. I came here to repeal the Act of Union —I came here for nothing else. Upon every other question I feel myself at perfect liberty to differ from each and every one of you. Upon questions of finance—questions of a religious character—questions of an educational character—questions of municipal policy—questions that may arise from the proceedings of the legislature—upon all these questions I feel

myself at perfect liberty to differ from each and every one of you. Yet more, my lord; I maintain that it is my right to express my opinion upon each of these questions, if necessary. The right of free discussion I have here upheld. In the exercise of that right I have differed sometimes from the leader of this Association, and would do so again. That right I will not abandon—I shall maintain it to the last.

In doing so, let me not be told that I seek to undermine the influence of the leader of the Association, and am insensible to his services. My lord, I am grateful for his services, and will uphold his just influence.

This is the first time I have spoken in these terms of that illustrious Irishman in this hall. I did not do so before—I felt it was unnecessary. I hate unnecessary praise—I scorn to receive it—I scorn ever to bestow it.

No, my lord, I am not ungrateful to the man who struck the fetters off my arms, whilst I was yet a child, and by whose influence my father—the first Catholic who did so for two hundred years—sat for the last two years in the civic chair of an ancient city. But, my lord, the same God who gave to that great man the power to strike down an odious ascendency in this country, and enabled him to institute in this land the glorious law of religious equality—the same God gave to me a mind that is my own—a mind that has not been mortgaged to the opinions of any man or any set of men—a mind that I was to use, and not surrender.

My lord, in the exercise of that right, which I have here endeavored to uphold—a right which this Association should preserve inviolate, if it desires not to become a despotism—in the exercise of that right, I have differed from Mr. O'Connell on previous occasions, and differ from him now. I do not agree with him in the opinion he entertains of my friend, Charles Gavan Duffy—that man whom I am proud indeed to call my friend—though he is a "convicted conspirator," and suffered for you in Richmond prison. I do not think he is a "maligner." I do not think he has lost, or deserves to lose, the public favor.

I have no more connection with the Nation than I have with the Times. I therefore feel no delicacy on appearing here

this day in defence of its principles, with which I avow myself identified.

My lord, it is to me a source of true delight and honest pride to speak this day in defence of that great journal. I do not fear to assume the position; exalted though it be, it is easy to maintain it. The character of that journal is above reproach. The ability that sustains it has won an European fame. The genius of which it is the offspring, the truth of which it is the oracle, have been recognized, my lord, by friends and foes. I care not how it may be assailed—I care not howsoever great may be the talent, howsoever high may be the position of those who now consider it their duty to impeach its writings—I do think that it has won too splendid a reputation to lose the influence it has acquired. The people, whose enthusiasm has been kindled by the impetuous fire of its verse, and whose sentiments have been ennobled by the earnest purity of its teachings, will not ratify the censure that has been pronounced upon it in this hall. Truth will have its day of triumph as well as its day of trial; and I foresee that the fearless patriotism, which, in those pages, has braved the prejudices of the day, to enunciate grand truths, will triumph in the end.

My lord, such do I believe to be the character, such do I anticipate will be the fate of the principles that are now impeached.

This brings me to what may be called the "question of the day."

Before I enter upon that question, however, I will allude to one observation which fell from the honorable member for Kilkenny, and which may be said to refer to those who expressed an opinion that has been construed into a declaration of war.

The honorable gentleman said—in reference, I presume, to those who dissented from the resolutions of Monday—that those who were loudest in their declarations of war, were usually the most backward in acting up to those declarations. My lord, I do not find fault with the honorable gentleman for giving expression to a very ordinary saying, but this I will state, that I did not volunteer the opinion he condemns—to

the declaration of that opinion I was forced. You left me no alternative—I should compromise my opinion, or avow it. To be honest, I avowed it. I did not do so to brag, as they say; we have had too much of that "bragging" in Ireland. I would be the last man to emulate the custom.

Well, I dissented from those peace resolutions, as they are called. Why, so? In the first place, my lord, I conceive that there was not the least necessity for them.

No member of this association suggested an appeal to arms. No member of this association advised it. No member of the association would be so infatuated as to do so. In the existing circumstances of the country, an excitement to arms would be senseless and wicked, because irrational. To talk, in our days, of repealing the Act of Union by force of arms, would be to rhapsodize. If the attempt were made, it would be a decided failure. There might be riot in the street; there would be no revolution in the country.

The Secretary will far more effectually promote the cause of Repeal by registering votes in Greene Street, than registering firearms in the head police office. Conciliation Hall, on Burgh Quay, is more impregnable than a rebel camp on Vinegar Hill. The hustings at Dundalk will be more successfully stormed, than the magazine in the Park. The registry club, the reading room, the polling booths, these are the only positions in the country we can occupy. Voters' certificates, books, pamphlets, newspapers, these are the only weapons we can employ.

Therefore, my lord, I cast my vote in favor of the peaceful policy of this Association. It is the only policy we can adopt. If that policy be pursued with truth, with courage, with fixed determination of purpose, I firmly believe it will succeed.

But, my lord, I dissented from the resolutions before us for other reasons. I stated the first; I will now come to the second:

I dissented from them, for I felt that, by assenting to them, I should have pledged myself to the unqualified repudiation of physical force, in all countries, at all times, and under every circumstance. This I could not do; for, my lord, I do not abhor the use of arms in the vindication of national rights.

There are times when arms will alone suffice, and when political ameliorations call for a drop of blood, and many thousand drops of blood.

Opinion, I admit, will operate against opinion; but, as the honorable member for Kilkenny has observed, force must be used against force. The soldier is proof against an argument, but he is not proof against a bullet. The man that will listen to reason, let him be reasoned with. But it is the weaponed arm of the patriot that can alone prevail against battalioned despotism.

Then, my lord, I do not condemn the use of arms as immoral; nor do I conceive it profane to say that the King of Heaven—the Lord of Hosts—the God of Battles—bestows His benediction upon those who unsheathe the sword in the hour of a nation's peril.

From that evening on which, in the valley of Bethulia, He nerved the arm of the Jewish girl to smite the drunken tyrant in his tent, down to this, our day, on which He has blessed the insurgent chivalry of the Belgian priest, His Almighty hand hath ever been stretched forth from His Throne of Light to consecrate the flag of freedom—to bless the patriot's sword. Be it in the defence, or be it in the assertion of a people's liberty, I hail the sword as a sacred weapon; and if, my lord, it has sometimes taken the shape of the serpent, and reddened the shroud of the oppressor with too deep a dye, like the anointed rod of the High Priest, it has at other times, and as often, blossomed into celestial flowers to deck the freeman's brow.

Abhor the sword—stigmatize the sword! No, my lord, for in the passes of the Tyrol it cut to pieces the banner of the Bavarians, and through those cragged passes struck a path to fame for the peasant insurrectionists of Innspruck.

Abhor the sword—stigmatize the sword! No, my lord, for at its blow, a grand nation started from the waters of the Atlantic; and by its redeeming magic, and in the quivering of its crimson light, the crippled Colony sprang into the attitude of a proud Republic,—prosperous, limitless, and invincible.

Abhor the sword—stigmatize the sword! No, my lord, for it swept the Dutch marauders out of the fine old towns of Bel-

gium—scourged them back to their own phlegmatic swamps—and knocked their flag and sceptre, their laws and bayonets, into the sluggish waters of the Scheldt.

My lord, I learned that it was the right of a nation to govern herself, not in this Hall, but upon the ramparts of Antwerp. This, the first article of a nation's creed, I learned upon those ramparts, where freedom was justly estimated, and the possession of the precious gift was purchased by the effusion of generous blood.

My lord, I honor the Belgians, I admire the Belgians, I love the Belgians for their enthusiasm, their courage, their success; and I, for one, will not stigmatize, for I do not abhor the means by which they obtained a Citizen King, a Chamber of Deputies.

HON. THOMAS D'ARCY McGEE.

SPEECH BEFORE THE IRISH PROTESTANT BENEVOLENT SOCIETY, QUEBEC, MAY, 1862.

I RECEIVED some time ago a warm invitation from my friend, Captain Anderson, the secretary of this society, asking me to be present and take part in the proceedings of this evening. It was an invitation given with great cordiality, for an Irish society's benefit, and the object was to enable the society to assist the friendless emigrant and the unfortunate resident. It seems to one to be incident to our state of society, where we have no legal provision for the poor, no organized system of relief of any public general kind, that there should be a division of charitable labor among our different voluntary societies; and as I look upon them all, whether under the auspices of Saint Patrick or any other patron saint, as being themselves but members of one vast society—the society of Canada—I did not feel that I could, either on Irish or on Canadian grounds, decline the invitation. It is very true, Mr. President, that you and I will not be found to-morrow worshipping under the same roof; but is that any reason why we should not be united here to-night in a common work of charity? With me it is no reason; such differences exist in the first elements of our population; and it is the duty of every man, especially of every man undergoing the education of a statesman, to endeavor to mitigate instead of inflaming religious animosities. No prejudices lie nearer the surface than those which plead the sanction of religion; any idiot may arouse them, to the

wise man's consternation, and the peaceful man's deep regret. If, in times past, they have been too often and too easily aroused, we must all deeply deplore it; but for the future—in these new and eventful days, when it is so essential that there shall be complete harmony within our ranks,—let us all agree to brand the propagandist of bigotry as the most dangerous of our enemies, because his work is to divide us among ourselves, and thereby render us incapable of common defence.

It is upon this subject of the public spirit to be cultivated among us—of the spirit which can alone make Canada safe and secure, rich and renowned—which can alone attract population and augment capital, that I desire to say a few words with which I must endeavor to fulfill your expectations. I feel that it is a serious subject for a popular festival—but these are serious times, and they bring upon their wings most serious reflections. That shot fired at Fort Sumter on the 12th of April, 1861, had a message for the North as well as for the South; and here, in Quebec, if anywhere, by the light which history lends us, we should find those who can correctly read that eventful message. Here, from this rock, for which the immortals have contended; here, from this rock, over which Richelieu's wisdom and Chatham's genius, and the memory of heroic men, the glory of three great nations has hung its halo, we should look forth upon a continent convulsed, and ask of a ruler: "Watchman, what of the night?"

That shot fired at Fort Sumter was the signal-gun of a new epoch for North America, which told the people of Canada, more plainly than human speech can ever express it, to sleep no more except on their arms; unless in their sleep they desire to be overtaken and subjugated. For one, Mr. President, I can safely say, that, if I know myself, I have not a particle of prejudice against the United States; on the contrary, I am bound to declare that many things in the constitution and the people, I sincerely esteem and admire. What I contend for with myself, and what I would impress upon others, is, that the lesson of the last few months, furnished by America to the world, should not be thrown away upon the inhabitants of Canada.

I do not believe that it is our destiny to be engulfed into a Republican union, renovated and inflamed with the wine of victory, of which she now drinks so freely; it seems to me we have theatre enough under our feet to act another and a worthier part; we can hardly win the Americans on our own terms, and we never ought to join them on theirs. A Canadian nationality—not French Canadian, nor British Canadian, nor Irish Canadian—patriotism rejects the prefix,—is, in my opinion, what we should look forward to,—that is what we ought to labor for, that is what we ought to be prepared to defend to the death. Heirs of one seventh of the continent, inheritors of a long ancestral story, and no part of it dearer to us than the glorious tale of this last century—warned not by cold chronicles only, but by living scenes passing before our eyes, of the dangers of an unmixed democracy—we are here to vindicate our capacity by the test of a new political creation.

What we most immediately want, Mr. President, to carry on that work, is men; more men, and still more men! The ladies, I dare say, will not object to that doctrine. We may not want more lawyers and doctors, but we want more men in the town and country. We want the signs of youth and growth in our young and growing country. One of our maxims should be, "Early marriages, and death to old bachelors." I have long entertained a project of a special tax upon that most undesirable class of the population, and our friend, the Finance Minister, may perhaps have something of the kind among the agreeable surprises of his next Budget. Seriously, Mr. President, what I chiefly wanted to say on coming here, is this, that if we would make Canada safe and secure, rich and renowned, we must all liberalize—locally, sectionally, religiously, nationally.

There is room enough in this country for one great free people; but there is not room enough under the same flag and the same laws, for two or three angry, suspicious, obstructive "nationalities."

Dear, most justly dear to every land beneath the sun, are the children born in her bosom, and nursed upon her breast, but when the man of another country, wherever born, speaking

whatever speech, holding whatever creed, seeks out a country to serve, and honor, and cleave to, in weal or in woe,—when he heaves up the anchor of his heart from its old moorings, and lays at the feet of the mistress of his choice, his new country, all the hopes of his ripe manhood, he establishes, by such devotion, a claim to consideration, not second even to that of the children of the soil. He is their brother, delivered by a new birth from the dark-wombed Atlantic ship that ushers him into existence in the new world—he stands by his own election among the children of the household, and narrow and most unwise is that species of public spirit, which, in the perverted name of patriotism, would refuse him all he asks, "a fair field and no favor."

I am not about to talk politics, Mr. President, though these are grand politics. I reserve all else for what is usually called "another place,"—and I may add, for another time. But I am so thoroughly convinced and assured that we are gliding along the currents of a new epoch, that if I break silence at all in the presence of my fellow subjects, I cannot choose but speak of the immense issues which devolve upon us, at this moment, in this country.

I may be pardoned, perhaps, if I refer to another matter that comes home to you, Mr. President, and to myself. Though we are alike opposed to all invidious national distinctions on this soil, we are not opposed, I hope, to giving full credit to all the elements which at the present day compose our population. In this respect, it is a source of gratification to learn that among your invited guests to-night there are twelve or thirteen members of the House to which I have the honor to belong—gentlemen from both sides of the House—who drew their native breath in our own dearly beloved ancestral island. It takes three quarters of the world in these days to hold an Irish family, and it is pleasant to know that some of the elder sons of the family are considered, by their discriminating fellow citizens, worthy to be entrusted with the liberties and fortunes of their adopted country. We have here men of Irish birth who have led, and who still lead the Parliament of Canada, and who are determined to lead it in a spirit of genuine liberality.

We, Irishmen, Protestant and Catholic, born and bred in a land of religious controversy, should never forget that we now live and act in a land of the fullest religious and civil liberty. All we have to do, is, each for himself, to keep down dissensions, which can only weaken, impoverish and retard the country each for himself, do all he can to increase its wealth, its strength and its reputation; each for himself, you and you, gentlemen, and all of us—to welcome every talent, to hail every invention, to cherish every gem of art, to foster every gleam of authorship, to honor every acquirement and every natural gift, to lift ourselves to the level of our destinies, to rise above all low limitations and narrow circumscriptions, to cultivate that true catholicity of spirit, which embraces all creeds, all classes, and all races, in order to make of our boundless province, so rich in known and unknown resources, a great new Northern nation.

BIOGRAPHICAL NOTES.

Edmund Burke, the purest of English statesmen; the first great English orator, refined, learned, eloquent; was born in Dublin, Jan. 1, 1730, and after a careful training in good schools, entered Trinity College. There he became deeply interested in metaphysical studies, and on graduating, sought a professorship in a Scotch college; but even in this he was unsuccessful. Proceeding to London, he began his studies for the bar at the Middle Temple, in 1750, and even thought of emigrating to America; but his love of literature inspired several works which met a cordial reception, and his pen was frequently employed by Dodsley. In 1761 he became private secretary to Lord Halifax, Lord Lieutenant of Ireland, and at a subsequent date held the same position under the Marquis of Rockingham. He entered parliament in January, 1766, and on the first day attracted the attention of Pitt. He soon became a leading spirit, his upright soul, his great talents being always on the side of right, whether the oppressed were in America, in Ireland, or in India. For nearly thirty years he was in every important movement, and his speeches and writings form one of the most valuable parts of English literature, as studies for all who enter on public life. He died at Beaconsfield, July 9, 1797.

Richard Brinsley Sheridan, M. P., dramatist, orator and statesman, erratic, yet able, was born in Dublin, in 1751, of parents, both of whom had made their mark in literature. He was however regarded in boyhood as a most impenetrable dunce. While still young he married, and following the bent of his genius and a hereditary taste, he began to write for the stage and at once attained success.

On entering parliament, in 1780, he made so poor a figure that friends advised him to renounce all hope of success, as he evidently

had no talent for oratory. Hence his magnificent speech in the case of the Princesses of Oude came like a thunder-clap upon all, and Burke declared it "the most astonishing effort of eloquence, argument and wit united, of which there was any record or tradition."

He continued his brilliant political and dramatic life till 1812, when his irregular career caused him to break down entirely, and he died deserted by all but a few faithful friends in London, July 7, 1816.

Charles Phillips, the most flowery, ornate, and polished of Irish orators, was born in Sligo in 1789. Admitted to the bar in 1812, his native talent and close study made him a perfect master of forensic eloquence, and his speeches attracted the attention of the great reviewers in the neighboring isle. Though not entering into political life, he gave his eloquence to the great popular movements; but never forsook the bar and the triumphs of the criminal courts. His merits secured the only promotion he coveted, that in the line of his profession; and his ability in commercial law led to his appointment as a judge in bankruptcy at Liverpool, whence he passed to London to fill the more important office of Commissioner of the Insolvent Debtor Court. He died in London in 1859, esteemed as a poet, an orator, a writer and a judge.

Robert Emmet, whose noble speech from the dock transformed that place into one of the great rostrums of eloquence, was born in Dublin in 1780, and after a distinguished career at Trinity College, came forth to join the movement in 1798. He escaped to France; but returned in 1802 to organize a revolution. He failed, and died Sept. 20, 1803, by the hands of the English law, which has seldom found aught in Ireland worthy of a higher reward, except what in other lands would meet with execration. Emmet's epitaph is still unwritten.

Hon. James Whiteside, an eminent forensic orator, was born in 1806, the son of a clergyman. After studying at the Temple, he was admitted to the bar, where his ability was soon recognized. He was retained by one of the traversers in the great State Trials, and his defence of Charles Gavan Duffy is full of the finest oratorical power. This effort made his popularity as an advocate unbounded, and his defence of William Smith O'Brien, and his man-

agement of the case of Mrs. Yelverton, now Lady Avonmore, justified the popular opinion. He has since, strangely enough, been Solicitor-General and Attorney-General in Ireland. Eminent as a legislator, he is known also in the field of literature.

Thomas Francis Meagher was one of the most brilliant orators amidst the men of talent and patriotism, who, on the failure of O'Connell's Repeal movement, formed the Young Ireland party, convinced that England, insensible to every feeling of honesty, would yield only to force, the equal rights, the home legislation, and local improvement which the Irish people claimed as due to them by the immutable principles of natural law. He was born in 1823, in Waterford, where his father rose in time to be the first Catholic mayor since the Reformation. Educated at Clongowes and Stonyhurst, his patriotic ardor had been stimulated by witnessing the successful effort of Catholic Belgium, in throwing off the oppressive yoke of a tyrannical Protestant sister state. He entered warmly into the Repeal movement, but when all hope seemed lost, joined the Confederation, and taking part in the attempted insurrection in 1848, was arrested, tried and condemned to death. He was however transported to Van Dieman's Land, whence he escaped to the United States. There devoting himself to the law, he had acquired by his talents a decided position, when the civil war broke out in 1861. After marching to the scene of war with the 69th N. Y. Militia, he organized and led through a series of campaigns the Irish Brigade, whose valor and fame will rival in history that which bore the name in the French service. When it was almost utterly annihilated, and the government which so lavishly squandered their blood, refused to allow him to recruit its shattered ranks, he resigned, no promotion rewarding his services. Returning to his profession, he accepted the toilsome and inferior office of Secretary of Montana Territory, and while Acting Governor was accidentally drowned in the Missouri, at Fort Benton, July 1, 1867.

Hon. Thomas D'Arcy McGee, poet, orator, journalist, and statesman, was born at Carlingford, Ireland, April 13th, 1825, and after going through the course of a day-school in Wexford, came, when seventeen, to the United States, and attracting attention by a public speech that showed his ability, became attached to a popular newspaper, of which he was soon editor. His writings and

speeches attracting the notice of O'Connell, he returned to Ireland, and, on the staff of the Freeman and Nation, rendered essential service. He too joined the Confederation, but on the failure of the attempt in 1848, was temporarily in Scotland, whence he escaped in disguise, through Ireland to the United States. As editor of the New York Nation and the American Celt, he still battled in the cause of Ireland, and full of designs for the welfare of his countrymen, conceived a scheme of western colonization, which led to a convention at Buffalo in 1857. The project failed; but his countrymen in Canada invited him to that province. A short residence convinced him that, in many respects, Canada was really superior to the United States, as a home for his exiled countrymen. His own rise is a proof. He was soon elected to the Provincial parliament as a member from Montreal, and taking his seat devoted himself in all the breadth and vigor of his statesman-like mind to the best interests of the province. In 1862, the Irish rebel of 1848 became President of the Executive Council of Canada, and for a time also discharged the duties of Provincial Secretary; he was subsequently Minister of Agriculture and Emigration, always discharging the duties of his high offices with ability and integrity.

His clear mind conceived the plan of a Union of the various British colonies in America into one government, with uniform laws, as the best means for its speedy development, and to this end he labored with his eloquent tongue and pen both in Canada and in England.

When the great object was effected, and the Dominion of Canada was established, Mr. McGee declined a proffered seat in the Ministry, content as a member of the Dominion parliament, to which his fellow-subjects raised him, to give his labors for Canada. Still in the prime of his manhood, still full of projects for the good of the province and of his countrymen, he fell by the hand of an assassin in April, 1868. "Great in his eloquence; his reputation grew with the growth of the country, which his energies helped to increasing force."

THE END.

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